United States Court of Appeals

for the Second Circuit

SUPPLEMENTAL APPENDIX

No. 76-4039

United States Court of Appeals

FOR THE SECOND CIRCUIT

ROSE DAVIS, AN INDIVIDUAL,

Petitioner,

v.

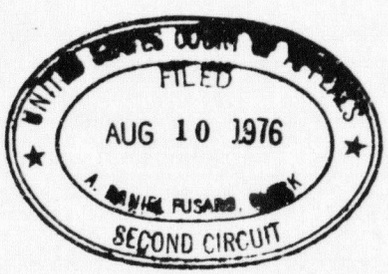
NATIONAL LABOR RELATIONS BOARD,

Respondent.

ON PETITION FOR REVIEW OF AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

SUPPLEMENTAL APPENDIX

ELLIOTT MORRE,
Deputy Associate General Counsel,
National Labor Relations Board.
Washington, D.C. 20570



ABS DUPLICATORS, INC.—1732 Eye Street, N.W.—Washington, D.C.—298-5537

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OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

National Labor Relations Board

DOCKET NO. 29-CA-4000

IN THE MATTER OF:

CADDELL-DUNN MFG. CO.

PLACE: Brooklyn, N.Y.

DATE: March 19, 1975

PAGES: 1 - 164

District 1

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Whereupon,

ROSE DAVIS

called as a witness, having been first duly sworn in by Judge Barban, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr.Davis) What is your name?

A Rose Davis.

Q Are you related to me in anyway?

A No.

JUDGE BARBAN: Before that, let's have Mrs. Davis state her name and address for the record.

A Rose Davis. I live at 380 Front Street, Hempstead, New York.

Q (By Mr Davis) Are you related to me?

A No.

Q Did you ever work for Caddell-Burns?

A Yes.

Q When did you begin work there?

A I began work on October 2, 1973.

Q At the time that you began work or before that, were you interviewed by anybody?

A Yes, by Rose Mitchell, the secretary of Caddell-Burns.

Q Was anyone else present when you were interviewed?

A No.

Q Did Rose Mitchell tell you anything about your job?

A Yes, I told her I had no experience.

She told the rule, the time that I work from, 7:55 to 4:25.

At that time I started working part time because I had two small children going to school and I had to take them home.

She told me also that in one month everyone receives a raise, in 30 days, and thereafter within a year another raise.

Q When you say 7:55 to 4:25, you are referring to 7:55 A.M. to 4:55 P.M.

A Yes.

Q What type of work did you do when you began there?

A Well, Mr. Caddell, Jim, James Caddell showed me, he showed me soldering, printing, cue making and packing, that is all,and he told me if I did, if I was not good at one job there are so many others to do that you are, they don't force anyone to do anything they don't know how to do.

Q What was your wage rate?

A Two then.

Q What is that?

A $84.

Q Two ten per hour?

A Yes.

Q Did you receive a raise, after beginning work?

Q Tell us who you spoke to and what you said?

A I talked to one business man who has a business there in the neighborhood a few blocks away.

He told me that he would help me, he would try and get a union.

He told me to be careful, there are a lot of fly-by-nighters.

So I was very carefull who I got.

MR. GOLDBERG: Objection, perhaps it is permissible if I knew who it was.

JUDGE BARBAN: This does not seem to be very relevant.

MR. GOLDBERG: I agree.

I was considering to object to the whole line of questioning, but I am being lax in that regard.

JUDGE BARBAN: Get to the point Mr.Davis.

Q When did you first see the Industrial Production Union or any of its agents?

A On June 3, 1974.

Q What happened at that time?

A I was on my way to work with Loretta Blandon and two union men were outside at the plant.

Q What did you do then?

A They gave me a brochure. I took it and walked inside.

They were giving out brochures to everyone who came in.

Q That day did you have occasion to speak to anyone about the union?

A Yes, I did. Everyone I could talk to.

Q Could you give us some names?

A Loretta Blandon, to Slyvia Arias, Margrette.

Q Where and when did you speak to these people?

A At breaktime, at lunchtime.

Q Where?

A Inside the plant.

Q What did you say to them?

A I told them to read, there was nothing to say but to read and I told them to make up their own minds.

They were always complaining. I said they have their chance to do something about it now.

Q What happened that day, if anything else happened that day?

A No, not that day.

Q June 3rd?

A 2:30.

Q On June 3rd?

A After, that evening when we went home at 4:25 the union men were outside.

The vice president of the International Industrial Production Employees Union, myself, Loretta Blandon and myself and Anna Gomez, we talked to them, about ten, fifteen

minutes outside of the plant.

Q Do you know that Vice President's name?

A Mr. Leo Garber.

Q Where were you standing when you spoke to them?

A Right outside the plant, right outside their side door.

Q How far away from the door?

A Maybe six feet.

Q How long did you speak to them?

A About ten minutes, fifteen minutes.

Q What did you do then?

A Then I walked over to Mrs. Blandon's car and we got in.

Q Where was the car?

A Parked across the street, right across from Caddell-Burns.

Q What did you do then?

A Well, I was in, you know, sitting by the driver, Mrs. Blandon, and Anna Gomez was in the back and along came, before we left, Mr. Garber waved and told us not to go.

He was with Mr. Ibenez.

Q Who is he?

A Assistant to the vice president.

Q Of?

A The Union, and he told us that we should sign cards because they know what is happening because Tommy Burns was

looking out the door.

Tom Burns, and he was, he saw us talking to the union men.

Q Wait a minute.

Tell us what you saw?

What you, what was told to you and what you said at that time?

A Tom Burns was looking out the door.

Q Is this what you heard?

A What I saw and Mr.Garber had seen.

He said we should sign cards right away so our rights would be protected in case we got fired they would stand up for us.

Q What did you do then?

A We signed, Loretta asked me, I think I am going to get fired.

I said you probably are, you see Mrs. Blandon --

MR. GOLDBERG: Objection.

JUDGE BARBAN: That is sustained, just answer the questions.

MR. GOLDBERG: Can I move that be stricken from the record.

I don't know what I would like --

JUDGE BARBAN: I will not strike it.

Go ahead, Mr. Davis.

Q What happened after that, regarding the union?

A We drove away.

Q The next day what happened?

A The next day the two union men were there again outside.

Q What time?

A They kept talking to the people.

Q What time?

A Before 7:55, they arrived because I arrived at 7:55 and they were there already.

Q Did you speak to any employees during that day?

A Yes, Josephine.

Before she came in she had given them a card already.

Q Who?

A Josephine, I don't know her last name.

Q Where did you speak to her?

A Inside the plant.

She told me I did not know she gave the card, she gave it before.

Before I asked her to give it, I gave them the brochures and told them to read them and think about it and ask their family.

Q Did you speak to anybody else that day?

A Margrette signed a card, Charolette and Marie Diez, those are all the ones that signed on Tuesday.

Q Tuesday?

A Yes.

Q Did you speak to any employees?

A Yes.

Q That day?

A Yes, yes.

Q Where and when did you speak to them?

A Always at breaktime and at lunchtime.

Q When is your morning breaktime?

A At 10:00 A M.

Q When is your lunchtime?

A 2:30 P.M.

Q When is your afternoon breaktime?

A My afternoon break is 2:30, lunchtime is from 12 to 12:30.

Q How long are the morning and afternoon breaks?

A Ten minutes.

Q Did you speak to any employees that day?

A Yes.

Q When?

A At breaktime, whenever I had the chance.

Q What did you say to them?

A I told them if they read their brochures and now it was time for them to cast a vote, to speak up.

Q Now, whathappened after that, after that day?

A Well, Loretta Blandon was talking, she was speaking

fluently Spanish. She spoke Spanish to the girls because I do not speak Spanish.

I told her what to say and she would tell them and that day --

Q Where was that?

A Tuesday.

Q Where?

A At Caddell-Burns and at 4:00 o'clock Thomas Burns asked to see Mrs. Blandon, that is when they terminated her employment, that day, that evening.

Q Now, what happened the following day?

MR.GOLDBERG: Excuse me.

I will object to the characterization of that "termination of employment".

That was an issue that was never resolved.

We contend it was a layoff for known reasons.

JUDGE BARBAN: Let's get over this matter that something occurred to Blandon, either a permanent termination or a layoff, a layoff is a termination.

Let's go on.

Q What happened the following day?

A The following day I came to work.

Q What day is that by the way?

A Wednesday, June 5th and everything was different.

As soon as everyone at Caddell-Burns found out that

Loretta Blandon was fired they were coming to me.

JUDGE BARBAN: Just a moment.

MR.DAVID GOLDBERG: How far are we going to go with this?

JUDGE BARBAN: What you are trying to tell me, that the employees talked among themselves, that she had been fired?

THE WITNESS: Yes.

JUDGE BARBAN: All right, go ahead.

A They were afraid and the three of them wanted their votes back.

Q Tell us who said what to you, and when?

A First was Charolette, she said this is making her very sick, she has diarrhea all night, she does not want to be involved

She wants her vote back.

Q What is her last name?

A Charolette Drippel.

Q Where did she say this to you?

A At the plant, inside the plant.

Q Where?

A At breaktime.

Q Which breaktime?

A 10:00 A.M on Wednesday, that morning.

Q In what area of the plant did she say this, if you

recall?

A In the middle of the plant where we all sat together.

Q Did you say anything to her at that time?

A I told her, I asked her why everybody was so happy, everybody could not wait to sign cards and as soon as Mrs. Blandon got fired they were --

MR. GOLDBERG: Objection.

JUDGE BARBAN: Mrs.Davis, we have a problem here and that is if you can only testify to things that are facts that you know to yourself.

Now,when you, I think I understand that you are telling me that the reaction or what these employees said was based on the fact that they thought and you thought that this lady was fired, is that your point?

THE WITNESS: Yes.

JUDGE BARBAN: I will take her testimony on that point within those limits.

Mr. Goldberg --

MR. DAVID GOLDBERG: May I ask you to restrain from interferring and trying to make a record that will be prejudicial without foundation.

JUDGE BARBAN: I think the record shows pretty clearly we are dealing with an employee who is telling us what she and other employees assumed or thought in the circumstances.

I don't think the record is being prejudiced in that

respect.

MR. GOLDBERG: She is not competent to say what other employees thought.

JUDGE BARBAN: She is competent to say what other employees said and I am cautioning you to limit yourself to what they said about this, not what you think was in their minds.

THE WITNESS: I am only saying what they told me.

JUDGE BARBAN: All right.

MR DAVIS:That is all we are interested in.

THE WITNESS: Yes.

Q Did any other employees say anything to you?

A Yes.

Q And tell us what they said to you, what you said to them?

A Josephine came over to me and she said I want my vote back.

I asked her why.

She said I just bought a house and I cannot afford to lose my job now.

So whenever they told me this I said either get in contact with the National Labor Relations Board or with the union.

I have nothing to do with it.

MR. GOLDBERG: Objection,your Honor.

What does this have to do with the issues at point here?

JUDGE BARBAN: Well, Mr. Goldberg, in so far as I am concerned, at this point in the hearing I don't know.

I don't know enough about this case, whether this has anything to do with it or not.

Mr. Davis, are you interested in this particular point?

MR. DAVIS: Well it is relevant in that it is background concerning this case.

We allege in our Complaint that certain action was taken against Mrs. Davis beginning on June 10th because of certain activity and this is preliminary of that.

JUDGE BARBAN: Let's get over this preliminary information as quickly as you can, please.

Q That day, did you have any conversation with the Burns?

A Yes, because I was very disturbed from all these people coming over to me and they were all so scared, everybody wants their vote.

So I told Mr.Burns and his sons I would like to see them and get this thing settled.

Q Tell us, Mrs. Davis, only what you said to them and what they said to you?

A I told them --

Q What time was this?

A This was at 2:30, at breaktime.

Q Where was it?

A In Mr.Burn's office.

JUDGE BARBAN: Which Mr. Burns?

THE WITNESS: Mr. Sidney Burns.

Q What did you say to them?

How did the conversation open?

What did they say to you?

A It was opened, I told them that one, that Loretta Blandon had nothing to do with the union.

I was the one that called the union and I gave my reasons.

I told them he does not want to hear my reasons though.

JUDGE BARBAN: I want you to tell us, what you said to them and what they said to you.

Is that what you are asking Mr. Davis?

MR. DAVIS: Yes.

A I gave them my reasons for why I called the union because number one I was asked to and that I believe the people work hard and deserve sick days and hospitalization and so on.

They did not give me any reply, they told me --

Q Who is they?

A Thomas Burns said I should not worry about anyone else, I should take care of number, numero uno, number one.

Q Is that what he said?

A Yes, I said I will go through with this no matter what happened, I will not be a quitter.

Q Did Vincent say anything?

A Yes, he said he knew one day someone would come in and organize the place, if it was not me it would be somebody else, Mr. Burns told me --

JUDGE BARBAN: Mr. Goldberg.

MR. GOLDBERG: I am trying to be patient,your Honor.

I just don't see the relevancy of this and the Board is being prejudicial, it's hearsay to begin with.

I dont see the relevancy of it and I wish we move along.

MR. DAVIS: May I respond?

MR. GOLDBERG: I can see if it was a crucial issue we might want to let this hearsay in, it is not a crucial issue nor relevant.

I think we can cut it closely.

JUDGE BARBAN: Mr. Goldberg, it seems to me that the witness was testifying concerning conversation with management of the company.

I don't see that is hearsay, based on the testimony to this point and it seems to be material and relevant.

I am going to overrule your objection.

That is if that was an objection and let'sproceed Mr. Davis.

Q With regard to that conversation, just tell us what you said to Catherine and Thomas Burns and what they said to you?

A I told Catherine if she had anything to say to me she should tell it straight to me and not go to any of the other girls and then she said what did I say, so I told her what she said.

Q Tell us?

A She said to the other girls she could not wait to kick all our asses out of the shop your Honor.

Q This is what you told her?

A Yes, and I told her not to wait to do it now, that I tried to get, bring in a union to do it honestly and I said just because she sleep with Mr. Burns, Thomas' father, I was not afraid of her.

MR. GOLDBERG: I would like to have it on the record, I will object to that, it is prejudicial and hearsay and libelous and it has no probative value whatsoever.

MR. DAVIS: We did not get the complete conversation.

MR. GOLDBERG: The earlier profanity I let get in --

JUDGE BARBAN: The witness was asked to relate her conversation, she is relating it, whether this gives rise to some other cause of action I will not want to pass, I only have this case to worry about.

Go ahead, please.

Q Where was Thomas Burns at the time?

A Well, he always sits right across from her.

Q How far was he from Catherine at that time?

A Like he was here and she was here about three feet apart, across the table.

Q What did Catherine or Thomas Burns --

A He told me, Rose go back to my seat.

I told him I was not finished yet.

I told her if she was any kind of a woman she would step outside.

Q Did anyone reply then?

A No.

Q What did you do?

A I went back to my seat.

Q Mrs. Davis, could you tell us from a period beginning in June, 1974, what types of work were you assigned to do by Thomas or Vincent Burns?

A Judge, your Honor, in the hottest weather that was during the months of July and August when the temperature was at its highest, they were sending me to the rear.

There is a solder pot there, they would give me five hundred or one thousand coils to solder, which it was about 150°.

No exhaust fan, one little window and I had to sit there with this sweat pouring off me and inhaling the fumes.

Q When you say the rear, what are you talking about?

A It is all the way in the back.

Q Are there any other employees that work there?

A There is one table, Catherine's table.

She is away from there.

Q How far away were you, from where she sits?

A Maybe ten feet.

Q What types of work did she do at that time?

A She only does the work for the government, she does not --

Q You know what type?

A Coils and transformers only for the government.

Q Was it the same type ofwork you were doing?

A No.

Q Are those soldering pots?

A Yes.

Q Could you describe what that job means?

A I would take a coil and dip it in until the wire is covered with solder so it gets a better connection when they put it in a radio or aircraft or whatever.

Q Are these soldering pots, tell us what type of pots they are?

A Electricity, they work electrically.

Q What does that mean?

A They are plugged in and have a certain degrees, they

turn this way, it is very, very hot.

JUDGE BARBAN: Is this melting or molder?

THE WITNESS: Melted solder

JUDGE BARBAN: In the pot?

THE WITNESS: Yes, melted solder.

Q How often did you work on that assignment?

A I always did soldering, but this particular time which I never went into the rear until I joined the union and only in the hottest weather and when I complained to Thomas Burns he said someone has to do it.

Q My question is, how often did you work on these assignments?

A Often during those months.

Q How many days per week could you estimate?

A Three days.

Q Who assigned you to do that work?

A Thomas Burns.

Q Before you signed the card for the union, were you ever given that specific type of work to do, soldering those coils?

A Yes, but not in the rear.

Q Where would you do it?

A In the front.

Q Where in the front?

A Right by Mr. Burns' office. We had soldering irons on

a long table and a solder pot, but the solder pot was broken and about two weeks they bought a new one.

They did not replace it and in the front they put, in the middle they put it where all the other employees are.

Q The middle where?

A In the shop where there is an exhaust fan, they put in a big exhaust fan in the window.

Q When did they buy a solder pot?

A Late in June.

Q Which they put in the middle of the shop?

A Late in June.

Q When did your assignments start for which you soldered in the rear of the shop?

A About the middle of June.

Q Did you talk to any of the Burns about that situation?

A I told Thomas Burns it was very hot, only when it was very hot because I never -- they never sent anyone else back there.

Q Tell us what you told Thomas Burns?

A That it was to hot back there and he said someone has to do the soldering, so I --

Q When did you tell him this?

Do you remember when this conversation was?

A No, it was inJuly, sometime, very, very hot day.

Q Did you ever make reference to the pot in the middle

of the shop?

A Yes, I told them while he sent me back there --

Q Who is he?

A Thomas Burns, there was another pot in the middle of the shop not being used.

When I would tell him can I use that one, he would tell me it was not plugged in or it was to small, so I did not want to argue with him, I just went back there.

Q Did you actually tell him those things?

A Yes.

Q When did you tell himthose things?

A Whenever he sent me back there.

Q You said he replied?

A Yes.

Q Was any other soldering done in the plant at the time you worked in the rear?

A On those very hot days?

Q Yes.

A No, only maybe hand soldering in the front, where it was cold, they had all the fans there.

Q Do you know if you could have used a hand solder iron?

A Yes.

Q On those parts for which you used the soldering pot in the rear?

A Yes, you could, but it would take longer.

It would take longer to do it by hand, the solder pot was faster and much hotter.

Q Tell us whether you saw, did you see any other employees work on the soldering pot in the rear at other times?

A Yes they would send in the very hot weather Anna Gomez and Sylvia Arias back there.

Q Do you know of your own knowledge whether those employees signed cards for the union?

A Yes, they signed cards for the union.

Q How do you know?

A I seenthem.

Q Did any other employees work in the back, in the rear on the solder pots?

A Yes.

Q Who?

A Evelyn, Marie,they would only work for one half hour, 45 minutes and then they would tell Mr. Burns that they felt faint.

Q Which Mr.Burns?

A Thomas Burns.

Q How do you know?

A That is what he told me, they cannot take the heat.

Q What happened after they complained?

Did they tell you what happened?

A He took them off.

Q How do you know that?

A Because he puts me on.

Q You testified that a certain number of days per week you were assigned to do that work.

For how many hours per day did you do that work?

A Sometimes I would be there all day.

Q How many hours?

A Eight hours.

Q I may have asked this question, before you signed the union card, did you solder?

Did you perform that work in the rear also?

A Never in the rear was I sent.

Q Where did you do soldering before you joined the union?

A Yes.

Q Where did you do the soldering?

A In the front, hand soldering and I solder in the solder pot up in the front always.

Q While you were in the rear, in the back soldering, with the solder pot, did you see any employees use the solder pot in the middle of the shop?

A No.

Q As part of your duties did you clean transformer parts?

A Yes.

Q Now, could you tell us what that consists of?

A Well, in September, the first week in September, they gave me transformers to clean and a big five gallon can.

Q What are transformers?

A Parts, they are little brown things, there is nothing on them.

I take all the glue, whatever is in, they are soaked in Tyoul Chemical.

Q Tell us Mrs. Davis, how you were assigned to do the job, by whom?

What did you do and when you did it?

A Thursday morning that was.

Q Do you remember what month it was?

A In September, the first week in September and on a Thursday I think it was, and Anna Spinelli was doing it.

They always covered themselves by making somebody else do it.

JUDGE BARBAN: Just a moment.

Tell us what happened.

A Anna Spinelli was doing it.

Q The same job?

A Yes, not even for half an hour.

Then they assigned me to do it for the rest of the day and the day after.

Q Who is they?

A Thomas Burns.

C A Reporting

Q What did he say?

A To go in the back in the garage.

Q When you say garage, what do you mean?

A It's a room they call the garage because it used to be.

Q Did you have to walk outside of the plant?

A No, it is like another room, up one step and inside where the ovens are, which is very hot and damp in the summertime.

MR. GOLDBERG: Are we talking about September?

A September is pretty warm weather.

MR. GOLDBERG: I can consult my Almanac.

Q That garage area, you referred to, did any other employees work back there?

A Not with me, they always put me alone.

Q What did you do back there?

A I cleaned, I had to stick my hand, which is half my hand in that chemical tile wall to pick them up, the transformer parts and put them down.

I had a brush in my left hand and would scrap all the glue and cement off them and put them in a box.

Q Let me understand.

They gave you a can of Tyoul?

A Five gallon can filled with Tyoul -- and transformer parts to be cleaned which I had never done before.

Q Tyoul is what?

A Benzine or turpentine, it is a cleaning fluid.

Q A liquid?

A Yes.

Q Tell us what happened, what you did in cleaning these parts?

A I had to stick my hands to get them, I asked Tommy for gloves.

Q You stuck your hands into get them?

A Yes.

Q How far down did your hands go?

A At first not to far, the more I do the more down my hands go.

It is in there constantly.

MR.GOLDBERG: Your hands, the further your hands went into the solution or the can, the level of the solution went down?

A The can had the solution.

MR. GOLDBERG: Your hands went further into the empty part of the can?

A Yes.

JUDGE BARBAN: Let's have cross examination later.

The witness earlier in her testimony indicated she put her hands into the material or fluid about half way to her elbow.

I noted a certain gesture. Let's go on , please.

Q Did you talk to any of the company's officials about that job duty?

A Yes, you see -

Q Tell us what you said, to whom you said it, and what he said?

A I talked to Thomas Burns and I told Emma, she has been there close to 15 years, she told me not to put my hands in there, it burns you and makes your skin white.

Q Is that what you told the company official?

A He said, Tommy said, it could not harm your skin.

Q Did you -- I believe you testified concerning gloves?

A Yes, I did not have any and I felt it because all over here was all burned on my fingers from continually putting my hands in it.

JUDGE BARBAN: The witness is rubbing her knuckles.

A I took a pair of rubber gloves and put them on and they dissolved in it.

Q What dissolved?

A The rubber gloves dissolved from that liquid, from that chemical.

Q Did you speak to any of the company officials about this smell involved?

A Yes, because it was a warm day and there is only one window and I told them between the oven --

Q Who?

A Thomas Burns, between the oven and the smell from the Tyoul and I am inhaling that constantly and I have no fans, I only have to depend on only, I had to open the window.

Q With regard to that job, before you signed the union card, did you ever do that type of work before?

A Never.

Q At anytime, other than Mrs. Spinelli who you testified about that did it for a half hour, did you see any other employees do that type of work?

A No, they would do cleaning jobs in small amounts.

They would have a small can like this or a cup that was all right.

JUDGE BARBAN: Could you show me a small can like this again?

THE WITNESS: Like this (indicating).

Sometimes they would have a little round dish and put it in.

JUDGE BARBAN: The small can like this was indicated by holding the palm about three or four inches above the desk.

Does anyone wish to comment on that description.

I am not going to measure your length and distances.

Q At the time they did that work, where were they seated?

A With the other employees.

Q Did thy work in the rear, when they did that small cleaning work?

the work load.

Q How close did you work with them before the union?

A Right next to them.

I would be sitting right next to them.

Q Now, before you joined the union, were you ever spoken to by any of the company o ficials about coming in late to work?

A Never.

Q Did you come in late to work before the union came?

A Yes.

Q How often would you come late?

A Maybe once or twice a week.

Q How late would you be?

A No more than five, six or seven minutes.

Q After you joined the union, was anything said to you about lateness?

A All the time.All the time I would come in late Thomas Burns would be right there, saying why are you late.

You cannot be late, you are going to get fired if you come in late.

I would tell him are the rules only meant for me. He said no, no one can come in late, we cannot have people come in all kinds of hours.

Then I went over to Vincent Burns and I said --

Q Mrs. Davis, you said this happened each time you were

in late because one girl Marie has not even come in.

Q Is that what you told him?

A He said he told Marie to --

Q Did you say anything to him at that time?

A No, that is all I told him, and his answer was that he told her.

Q Now, were you present at a Board hearing concerned with the discharge of Loretta Blandon?

A Yes.

Q Why were you present there?

A I was a witness in her behalf.

Q Who called you to testify?

A Mr.Davis.

JUDGE BARBAN: The same gentleman?

THE WITNESS: Yes. Steven Davis.

MR. GOLDBERG: Objection,your Honor.

I don't recall, I was present, I don't recall her being a witness.

JUDGE BARBAN: That may be Mr. Davis' problem.

Q Mrs. Davis, did you testify at the hearing?

A No, I did not.

MR. GOLDBERG: I would like that false statement stricken.

JUDGE BARBAN: No, I will not strike any testimony.

MR. GOLDBERG: She was not a witness.

MR.DAVID GOLDBERG: Her credibility is in doubt, leave

it be.

Q Were you present in the hearing room at the time of this case?

A Yes, yes.

Q Do you recall the date that you were present or the dates?

A October the 16th, 1974 and October 17, 1974.

JUDGE BARBAN: Mrs. Davis, who asked you to come?

THE WITNESS: Mr. Davis, Mr. Steven Davis.

JUDGE BARBAN: Did he give you, did he tell you why?

THE WITNESS: I asked him if I could come.

JUDGE BARBAN: Go ahead, Mr. Davis.

Q While you were at the hearing, did you hear anything said by the company or its agents concerning you?

A Yes.

Q Start from the beginning.

What did you hear?

A It was about 5:00 P.M that night.

Q Which night?

A On October 16th and I think they were close to settling Mrs. Blandon's case and Mr. Goldberg said well let's take care of Mrs. Davis and I thought I nudged Mr. Garber next to me.

I said are they going to fire me. I did not know what they meant by that then.

Q Who said this?

A Mr. Goldberg.

Q Which Mr. Goldberg?

A Sir, David.

Q Do you see him in the hearing room?

A Yes.

Q What happened then?

A The Judge --

Q Which Judge?

A Joel Harmatz, he said that he doesn't want to hear any kind of that talk in the Courtroom.

If they had anything to settle theyshould take it out of his Courtroom.

I think they asked for a fifteen minute recess. That is when they approached me.

Mr. Goldberg that is and asked me to come into one of the hearing rooms with him.

Q Did you go there?

A Yes, I asked Mr. Garber to come with me.

Q Who else was present?

A Mr. Goldberg's son.

Q And also Mr. Goldberg?

A Yes.

Q Tell us what was said to you and what you said to anyone who spoke to you?

A The first words he --

Q Who is he?

A Mr. Goldberg.

Q Which Mr. Goldberg?

A David.

Q What did he say?

A What will it take for you not to go back to work.

He said they did not want me there.

Q What did you say?

A I was to shocked. I did not say anything.

I said that I told him my reasons for why I am here and he did not want to know.

He said I was being unreasonable.

Q Did you tell them your reasons?

A Yes.

Q What did he say?

A He did not want to know it, I said there was injustice being done and I was here to seek justice.

Q What did he say?

A They cannot take people right and do with the people what they want.

Q You said that?

A Yes.

Q What did anyone say to you?

A He did not say anything. He said we will give you two

week's pay and get you another job.

Q Who said that?

A Mr. Goldberg.

Q Which one?

A David Goldberg.

JUDGE BARBAN: Mrs. Davis, which of the two?

THE WITNESS: Sir, the father, senior.

MR. GOLDBERG: The distinguished senior?

THE WITNESS: Certainly --

JUDGE BARBAN: In the gray suit?

THE WITNESS: Yes.

MR. DAVID GOLDBERG: What difference does it make, it is all nonsense anyway.

JUDGE BARBAN: All right, gentlemen.

Q Was anything else said at that time?

A No. I told them no and we walked out.

Q After that, did you have any further conversation with David Goldberg?

A The next day, but before that there was something --

Q Tell us what happened?

A Well, we walked out of the hearing room, Catherine was with Mr. Burns.

Q Sidney or Tommy?

A Yes, and Mr. Goldberg told them --

Q Tell us what was said?

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A Senior Goldberg --

Q Mrs. Davis, when you walked out of the hearing room, you say Catherine Gianetti, Thomas Burns, Sidney Burns and David Goldberg --

A Yes.

Q Did you hear what anyone said?

A Catherine said she did not want me back to work.

Mr. Goldberg's reply was he did all he can, there is nothing more he can do.

If I did want to go back to work, let me and they are not to bother me.

Q Did anyone reply to that?

A No, I did not hear.

Q What happened after that with regard to yourself and David Goldberg?

A I went home and we all went home.

Q After that time, did you have an occasion to speak with him again?

A Yes.

Q What happened?

A The next morning on October 17th we were at-Chock-Full-of-Nuts, Mrs. Blandon and I.

Q Where is that?

A Right downstairs.

Q In this building?

A Yes.

Q What happened?

A Mr. Goldber, Sr approached me again and asked me if I changed my mind and I said well for a month's pay and a little pink slip, unemployment I meant,and he said I will tell them.

He spoke to Mrs. Blandon, you are going to settle and she said yes,and he walked out.

Q Okay, now, before that time, before the hearing, did you have occasion to hear anything mentioned by the company official with regard to a pay raise?

A Yes.

Q When was that, who did the talking?

A Well, I heard them mention it quite a few times during the months from June to November.

Q Tell us the first time what you heard and who said it?

A Well, in June, right after the union came when they found out the union came they said we were going to give the people a raise, Thomas Burns told the people where the were sitting, but now that the union is here no one can get a raise.

Q You heard that?

A Yes.

Q Did anyone reply?

A No, they all were mad at me.

Q After that time, were you given a work assignment by anyone of the Burns?

A Yes.

Q Could you tell us what that was?

A Thomas Burns gave me a work assignment.

He gave me 500 coils to twist wire around, which I had never done before.

Q When was that?

A That was in November.

Q Do you remember the date?

A November the 5th.

Q What did he tell you when he gave you the coils to do?

A To do it like this and like that.

I am left handed. He does not show me if he goes in one direction I go in the other.

Q He demonstrated how to do it?

A Yes, right handed of course.

Q What happened?

A I did it the best I can, whatever I was a little slow he would come over to me and say is the work to hard for you, what can't you do this, this is wrong.

Q Did he say this to you?

A Yes.

Q When did he say this?

A On November the 5th.

Q Did you say anything to him?

A I told him this is the first time I am doing it and it is hard for me because I have to hold it in my right hand because -- I am ambidextrous, I can use both hands, but my left is better than my right, I could work with my right.

Q After you said that to him, did he say anything to you?

A Not for the rest of that day, no.

Q Which day was that?

A That was a Tuesday.

Q Do you remember the date?

A November 5th.

Q Did anything else happen after that with regard to that work assignment?

A Yes, on November 6th.

Q What happened?

A I came in and I was still working on them.

I seen that some of my work was missing in the box.

Q What did you do?

A I did not do anything until Mary Roe came in at 8:00 o'clock and he took her in the back.

Q Who is he?

A Thomas Burns took Mary Roe in the back and he had given half the same amount, what I had left and she had the same amount after.

Q How do you know that?

A Because he told me afterwards.

Q What?

A Afterwards when Mary Rose, this was after ten, it was about 10:20, after breaktime was over he came over to me.

Q Who is me?

A Thomas Burns with a box of coils and threw them right on the table in front of me and telling me --

Q What did he tell you?

A How come you are not finished yet. How come, is the work to hard for you, if you cannot do it, maybe you don't belong working here.

I told him I had the problem with it, I am doing the job slow now.

If Mary Roe can do it faster let her do it, but he does not reply when I tell him that.

Q Did he reply?

A No, not when I told him that, he did not, he just stood there.

Q How long did he stand there?

A A few minutes, just kept telling me I want to know why he was making me nervous, I told him he was not man and to go back to his Mommy.

Q Hismother is in the shop?

A No, Catherine, he was always with her, who he tells everything to.

Q Did anything else happen that day with regard to this work assignment?

A Yes.

At 12:00 o'clock, lunchtime, Vincent Burns came over to me and told me I was being insubordinate to his brother Tom.

I told him I had enough of their silly games, I was tired and only going to be there for 60 days to see that letter stayed posted and I was going to leave because I could not take it any more.

Q Did Vincent Burns reply to you at that time?

A He said the whole shop, we have the whole shop against you.

They will all come into Court.

I said bring them all.

Q Did he reply to that?

A No.

Q What happened, you went to lunch?

A Yes.

Q You returned from lunch?

A Yes.

Q Did anything happen when you returned?

A About 2:10 in the afternoon Vincent Burns was by his table and Mr.Garber, vice president of the union always told me that if I had any problem to ask Mr. Burns, Sidney Burns.

He was not there. I went over to Vincent Burns and I told him, Vinnie, maybe you don't know what is going on here.

He said not likely. I said do you know that your father, through his agent, offerred me money so I did not have to go back to work.

He did not reply. He said I have nothing to discuss with you.

I am interested in your work.

My reply is, tomorrow I will not be in. I am going to the National Labor Relations Board to file charges.

Q Did he say anything to that?

A No.

Q What did you do then?

A I stood there and finished my work until it was 4:25.

Q What happened after that?

A I went home.

Q After that?

A The next day I came down to here, to Mr. Davis and told him what is happening.

Q The next day you filed a charge?

A Yes.

Q After that day?

A Friday I went back to work, which even made them more madder.

Q Tell us, what if anything was said?

A They did not want to talk to me.

They gave me a soldering job to do and put me in the back.

Q What type of soldering job?

A The dip solder.

Q What was that, what you described before?

A Yes.

Q Where you worked on the soldering pot in the rear?

A Yes.

Q How long did you work on that job?

A All day I was there that day.

Q What happened after that day?

A I went home at 4:25 and the next day, Saturday, I started receiving obscene phone calls.

MR. GOLDBERG: Objection, your Honor.

JUDGE BARBAN: Mr. Davis, what is the idea?

MR. DAVIS: Well, nothing can be proved by it.

These events occurred to this witness and they should be part of the record for whatever basis they have.

The testimony regarding this will be very short, nothing can be proved by it.

MR.GOLDBERG: Your Honor, the quantity of this --

JUDGE BARBAN: I don't think it is necessary Mr. Goldberg.

I will not strike it, as far as this witness has gone, but I don't want to hear any more about it unless you give me a better reason than you did.

MR. DAVIS: I will state this, the source of the calls of course cannot be determined, but these occurred.

JUDGE BARBAN: She testified they occurred.

Let's go on.

Q Did you return to the shop again?

A No, I did not.

I was very upset by it.

Q After, did you have any conversation with anyone at the shop?

A Yes, Tuesday.

Q What date was that?

A November 12th, I called up the secretary, Rose Mitchell and told her I have to leave because my nerves, I lost a lot of weight and I could not take it any more.

Q What did she say?

A She did not say anything.

I said I thought they would learn something from Loretta Blandon's case but obviously they had not.

Q Is that what you told her?

A Yes.

MR. GOLDBERG: Objection, that is a conclusion.

JUDGE BARBAN: Just a moment.

Who is Rose Mitchell?

THE WITNESS: The secretary of Caddell-Burns.

JUDGE BARBAN: You called and spoke to her?

THE WITNESS: Yes.

JUDGE BARBAN: The objection is overruled.

Q After that conversation, did you receive a letter from the company?

A Yes.

MR. DAVIS: Mark that General Counsel's Exhibit 3 for identification.

(Whereupon, above referred to document was received and marked General Counsel's Exhibit 3 for identification, of this date.)

Q Mrs. Davis, I show you General Counsel's Exhibit 3 for identification and ask you if you can identify it?

(Handing document to witness.)

A Yes.

Q That is the letter you got?

A Yes.

Q Everything is on it except for the writing you wrote?

A Yes.

Q You see Rose Davis?

A Yes.

MR. DAVIS: I offer General Counsel's Exhibit 3 in evidence.

MR. GOLDBERG: Thank you.

Q How many jobs did Mr. James Caddell train you for?

A He showed me soldering, packing.

Q What is packing?

A To pack the coils before shipment on cards.

Q And?

A Kumack.

Q What is that?

A With a little brush you dip it in Kumack and coat the coil and soldering, that is all and printing, that is all they showed me.

Q A very limited amount of work?

A Yes.

Q From the period starting from June, '74 until the time of your resignation from employment with Caddell-Burns, what was the nature of the various jobs you did?

A For one thing, I never packed any more or hardly ever printed any more.

Q Was any printing or packing done in the shop at the time?

A Yes, and I did soldering, hand soldering and pot soldering and I went downstairs and worked a lot on the millingmachines and I did assembly jobs which I had never done before and I was shown by Thomas Burns to do this.

Q What else?

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A That is all and jobs that I have to dip my hands in.

Q Cleaning?

A Where I never had done that before.

Q In reference to the way in which jobs were assigned to you, if you completed a job in mid day?

A Yes.

Q What would happen?

A I was assigned a new job.

Q Most jobs consisted of piece work, you did X-amount of piece work?

A Yes.

Q To work on, then you considered finished with that task?

A Yes.

Q You went to your employer and you were assigned a new task?

A Yes.

Q If you never did that job before?

A I would ask him.

Q He would give you instructions?

A Yes.

Q Reference now is made to the attempts by the International Industrial Production employees union in early June 1974 to organize the employees of Caddell-Burns Manufacturing Corporation.

now you said the girls were never there for a period of time?

JUDGE BARBAN: Let's get to the question.

MR. DAVIS: It is in the record.

JUDGE BARBAN: Gentlemen, I want a question please.

Q You also said that on directed Mrs. Davis that you were always put in the back, however, contrary to that you stated that you were sitting up front in the week in which you resigned and that half the work was given to Mary Roe and she was sent in the back?

A Yes.

Q What were you doing up front?

A I was at a table alone seated.

Q Up front?

A Yes.

Q When did you eat lunch during the period involved?

A I never ate.

Q Where did you eat lunch during the period from September to November, 1974?

A Well, during the summer months I sat outside and ate my lunch.

Q Who did you eat it with?

A Alone.

Q Where were the other girls?

A Inside.

Q Eating lunch inside?

A Yes.

Q Why didn't you eat with your co-workers?

A Because I did not want to get anyone in trouble.

Q Wasn't it a fact true, they did not want to eat with you?

A Sir, I think you got your questions wrong.

They're the ones who approached me and told me -- when a friend of mine comes up to me and tells me Rose, don't talk me because I am afraid I will lose my job.

Q Wasn't it in fact true that the girls did not want to associate with you because you used profanity, you threatened them with judicial process and the rest and you threatened to drag them down to the labor board.

Isn't that possibly why they did not want to dine with you?

A Certainly not. The girls told me to come in over and over again to eat with them.

I told them you know what will happen if they think I am friends with you.

Q For that reason you ate lunch alone?

A Yes, because I never think of myself, only for my fellow workers.

This is what this is all about.

Q Mrs.Davis, who is that friend of yours who expressed

A I wanted to go back, everybody told me not to go but I said I would go back just for those 60 days.

Q Why?

A To see that they kept that letter posted.

Q Who suggested you go back for 60 days?

A I suggested it.

Q Didn't you in fact say to a company employee of yours, that counsel for the General Counsel suggested you go back urged you to go back for the 60 day period?

A No.

MR. DAVIS: Objection.

A No.

Q You are stating therefore you went back in the intent to stay for that 60 day period and then quitting?

A Yes.

Q You went back with the intent to quit and you did quit?

A I quit under great pressure.

Q You said you only intended to go back for 60 days?

A They did not let me stay, they started with their silly games.

Q You stated you only intended to go back for 60 days?

A Yes.

Q Referring to what you stated before, the 5:00 P.M. meeting of October 16, in regard to an off the record settlement discussion with you at the Board?

A Yes.

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Q You never encouraged Mr. Garber to proceed with this settlement agreement?

A No.

Q You never changed your mind and said you would not take less than a month plus a pink slip?

A That was made in jest.

Q Are you saying Mr.Garber did not convey this as an official of your union?

A No, the only thing he told me I should not go back there because they are all sick, it is a sick shop he told me.

Q I would like to clarify your testimony on direct as to conversation you overheard between an employee you identified as Catherine and David Goldberg?

A Yes.

Q I wonder ifyou could reiterate what transpired from your vantage point?

A When I came out of one of the hearing rooms Catherine was upset.

I only heard her say she did not want me back to work, and Mr.Goldberg said he tried and there is nothing more he can do and if I wanted to go back to work let me and leave me alone.

Q You should not be bothered?

A Yes.

A Well, I do too.

MR. GOLDBERG: I move to have my comments stricken from the record, it was out of place.

JUDGE BARBAN: I see no reason for striking anything physically from the record.

MR.GOLDBERG: I did not mean to offend the Court.

JUDGE BARBAN: Mr. Goldberg, I am not that easily offended.

Q Mrs. Davis, we move on to your next statement on direct.

A Would you like to know why --

JUDGE BARBAN: Mrs. Davis, answer the questions.

Q You stated on November 5, 1974 you received a new work assignment?

A November 5th?

Q Yes.

A Yes.

Q I wonder if you can elaborate in greater detail?

A Coils, they were winding, the winding was wrapped around them and I had to twist the wire with a plyer in a certain direction.

I had never done that before.

Q Had anyone else?

A Has anyone else done it?

Q Yes.

A I guess so, someone has to do it.

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

National Labor Relations Board

DOCKET NO. 29-CA-4088

IN THE MATTER OF:

CADDELL-BURNS MFG.

PLACE: Brooklyn, N.Y.

DATE: March 20, 1975

PAGES: 185 - 412

District

C. S. A. REPORTING CORPORATION
Official Reporters
300 Seventh Street, S.W. Washington, D. C. 20024
393-2320

say that he has not made out his case.

JUDGE BARBAN: All right, we get tangled up in negatives, don't we?

MR. HENRY GOLDBERG: Right.

I want to thank you for giving my motion due consideration.

JUDGE BARBAN: That is all right. I am glad you brought it up because I think I understand this case better.

Is there anything further at this point?

Mr. Goldberg, do you want to call your witnesses?

MR. HENRY GOLDBERG: Yes, I would like to call as my first witness Mr. Vincent Burns.

I am sorry, I want to check to see if any of our other witnesses arrived.

JUDGE BARBAN: Off the record.

(Discussion off the record)

JUDGE BARBAN: On the record.

Whereupon,

VINCENT BURNS

was called as a witness and, having been first duly sworn, was examined and testified as follows:

JUDGE BARBAN: Be seated, please.

DIRECT EXAMINATION

Q (By Mr. Henry Goldberg) Will you state your name and occupation for the record, please.

A Vincent Burns. I am the treasurer of Caddell-Burns Manufacturing Co. Inc.

Q How long have you been in that position?

A Since January of 1974.

Q Do you have any managerial authority as to the conditions of employment?

A Yes, I do.

Q And the conditions of your employees?

A Yes.

Q I wonder if you could discuss or tell this court in your own words the manner in which raises are given at Caddell-Burns.

A There is no clearly defined pattern or time period for raises. The raises are given periodically, depending on our evaluation of the appropriateness of the raise.

If we are asked by girls for raises and we determine they do indeed deserve the raises then raises are granted.

Q How is it determined when a raise might be given?

A When the girls ask for it.

Q Is it always given when itis asked for?

A No.

Q What determines whether or not a particular request will be granted?

A Well, we base it on the individual girls' request,

prior?

A She got a small additional raise.

MR. DAVIS: I am having a little trouble hearing the witness. Could you ask him to speak up, please?

JUDGE BARBAN: Well,he is speaking rather low.

THE WITNESS: I'm sorry.

JUDGE BARBAN: If you could speak more loudly it would help.

THE WITNESS: Certainly.

Q Are you familiar with Thomas Burns?

A Yes, he is my brother.

Q Does he also work at Caddell-Burns Manufacturing Co. Inc.?

A Yes, he does.

Q What is his position?

A He is the secretary of the corporation and he is in charge of production.

Q Does he share managerial authority with you?

A Yes.

Q In other words, he has authority to determine working conditions and rates and terms of employment?

A Yes.

Q Do you have occasion to observe him in the exercise of his duties just described?

A Yes.

Q On a daily basis?

A Yes.

Q How often during the day do you have occasion to see him?

A Well, continually really. It is a small plant and we both work in the same areas.

Q If I can direct your attention to the middle of October, specifically October 20, 1974 and thereafter, have you ever observed Thomas Burns promise employees wage increases or other benefits or improvements of working conditions if they would refrain from becomine or remaining members of the union, any union?

A No.

Q Had there been any union organization activity at Caddell-Burns in June of 1974?

A Yes.

Q Was there any activity that you are aware of in September, 1974?

A Not that I was aware of, no.

Q Was there any activity in October, 1974?

A Not that I was aware of.

Q Was there any in August of 1974 that you were aware of anyway?

A No.

Q That to the best of your knowledge Thomas Burns was

aware of?

MR. DAVIS: Objection, your Honor.

MR. HENRY GOLDBERG: To the best of his knowledge.

I will rephrase it.

JUDGE BARBAN: It doesn't prove very much one way or another, Mr. Goldberg. Let us go on.

A I assume he would have said something to me if he were aware and he did not say anything to me.

Q While in your presence did you ever observe Thomas Burns receiving any information or being made aware of any union activity during the months of August, September and October?

A No.

Q What other members of management are there in addition to Thomas Burns and Sidney Burns and --

A Well, Sidney Burns is my father, myself and Thomas. We are the only three.

Q Did you participate in all managerial discussions during the months of June, August, September and October, 1974?

A Yes.

Q Was union activity a concern of Caddell-Burns in October of 1974?

MR. DAVIS: Objection, your Honor, it is irrelevant.

MR. HENRY GOLDBERG: Your Honor, this goes to

establish not only the credibility of this witness' statements in regard to what happened in October but the background which general counsel likes to do at times, give a background of a situation in the plant and to establish the absence of any motive whatsoever, even assuming these allegations are true which we feel are not.

MR. DAVIS: It is also self-serving what the concern of the company was.

MR. HENRY GOLDBERG: The management.

We established the management only consisted of three people.

JUDGE BARBAN: May I say something? If we get an answer to that question, suppose it is yes and suppose it is no.

What does it mean?

If he says it was of concern, do we interpret that to mean that he was anti-union?

MR. HENRY GOLDBERG: No.

JUDGE BARBAN: If he says it was not of concern does that mean he was pro-union or what does this mean?

MR. HENRY GOLDBERG: Well, drawing from my experience in organizational drives and the impact it has upon a particular industrial shop and the management, et cetera, three months after the fact, it seems far fetched that an employer, and I know of no case, not only

Q Do you know if he gave any response?

A He said that we would not give wage increases at that time.

Q Did he give any reason?

A No.

Q Did Rose Davis ever ask?

A No.

Q Did she ask in September?

A No.

Q Did she ask in November?

A No.

Q Did she ask in August?

A No.

Q I would like to discuss, if I may, the assignment of work tasks at Caddell-Burns.

Who has authority to assign?

A Generally my brother would assign the work task to most of the girls.

Q Do you ever assign?

A Yes.

Q If you can describe in your own terms the basic manner in which job tasks are assigned to various employees.

A Jobs that are ready to be started are assigned to whatever girl is free. In other words, when a girl

completes one task she is given the next job that is waiting to be done.

Q Most of this job is piecework?

A Yes.

Q Is all of it piecework?

A Yes.

Q So that there is a certain quantum of work to do and it can be completed in mid-day?

A It varies. It could be one piece of ten pieces or a thousand pieces, depending on an individual job.

Q And do girls finish jobs mid-day or they usually finish at the end of the day or what?

A Mid-day, mid-morning, mid-afternoon. Any time during the day.

Q What happens when a girl finishes?

A She will go to whoever gave her the job and he will give her another job.

Q How is this new job determined?

A By whatever job is next on line to be done.

Q Is that the only consideration?

A Well, the skills of the girl, obviously.

Q Suppose you have a job to be done and no one else is free, what do you do? You wait for a trained girl?

A Yes.

Q How does the girl become trained? Do you hire only

trained people?

A No, we hire mostly inexperienced people and we train them ourselves.

Q Well then, suppose a job has to be done and no one else is free and you have an untrained girl.

A Well --

Q You didn't understand? I am sorry.

A I didn't understand the previous question apparently. If it were a job that could be explained easily we would show the girl how to do it.

Q How long does this take?

A It depends on the job, of course, and the ability of the girl that you are showing but it can take anywhere from one minute to five or ten minutes.

Q Are there any jobs that take more than five or ten minutes to explain?

A Yes, the very complex jobs that require different steps of assembly for instance would require a longer time to explain.

Q Are you familiar with the employee Rose Davis?

A Yes.

Q To the best of your knowledge was she ever given a job that took more than 50 minutes maximum to explain?

A No.

Q Was she ever given a job beyond her ability to

perform?

A There were some jobs that she did not do well when she was given them. In this sense I believe they were beyond her ability.

None of the jobs that she was given would be considered complex jobs or jobs that would normally go to a more experienced girl.

Q What do you mean she didn't do jobs well? I mean is this a subjective observation or --

A There were some jobs that were assigned at which she was much slower than other girls of equal skill.

Q How was this determined?

A We generally have a feel for how long a job should take and if we see she is not accomplishing the job as quickly as we expected it would we may give the same job to another girl to see how long it takes another girl to do it, for purposes of comparison.

Q Are there any tasks, forgetting about the training that might be needed, are there any job tasks in your shop that might be considered less desirable among your employees?

A That would depend on the individual employee as far as jobs they considered undesirable.

I suppose some girls may have jobs that they don't like, that other girls might like.

Q Are you aware of any consensus on this?

MR. DAVIS: Objected to, your Honor.

MR. HENRY GOLDBERG: Your Honor, in a shop this size if there was a particular job or two or three that the girls didn't like to do and the employer had to give them this task once in a while it is hard to believe that an employer would not be aware of that.

JUDGE BARBAN: I will sustain the objection to the question as phrased.

MR. HENRY GOLDBERG: Read back my question,please.

JUDGE BARBAN: Your question was is he aware of any consensus among the girls on jobs whether they like them or don't like them or don't like them.

Q Have the girls expressed to you any dislike for a particular job?

A I would say most girls do not like to work on jobs that are physicall strenuous such as operating a kick press which requires that they move a pedal with their foot.

JUDGE BARBAN: Is this based on statements made to you by the girls?

THE WITNESS: By girls, yes.

Q What girls are given such a job?

A The girls with the least skill who do not have skills to perform other more complicated jobs.

Q About how many girls would you say do these jobs or, to rephrase it, how large is the pool of girls from which you can draw to do a job like the kick plate?

A Perhaps four or five girls.

Q Is Rose Davis one of those four or five girls?

A She was, yes.

Q Does she have any particular training to do other jobs?

A Besides the kick press?

Q More skill, not just any other job, a more skilled job.

A She had no training to do jobs that required great skill, no.

Q What ther jobs was she trained for?

A Soldering, printing.

Q When you say soldering you mean soldering iron or soldering pot or what?

A Yes, both.

Q Both?

A Yes.

Q Anything else?

A Cleaning operations.

Q That is it?

A That is it basically.

Q You said before that as jobs become available and girls finish they are given new jobs?

A Yes.

Q Aside from the criterion of training and skill is there any other criterion or criteria for giving a girl a less skilled job?

A Could you repeat that question?

Q Okay. Are there any other considerations or have there been any other considerations to the best of your knowledge in job assignments other than these economic factors we just discussed?

A No.

Q Has there been any discrimination in job assignments for any reason whatsoever?

A No.

Q When you say no do you mean by yourself or by management as a whole or what?

MR. DAVIS: Objection, your Honor, this witness can only speak for himself.

MR. HENRY GOLDBERG: That is why I am asking him to clarify that so his statement --

JUDGE BARBAN: In any event the objection is overruled.

You may answer.

A Well, certainly by myself and to the best of my knowledge by management in general.

Q Was there any discussion among management to

A Shuttles, yes.
Q You mentioned the kick press.
A Yes.
Q And girls that you know objected doing the kick press operation. What about this soldering pot operation?
A I believe Evelyn Cavani objected at one time. She has a skin condition. I believe it is cirrhyosis and on her hands and she felt this might aggravate her skin condition.
Q Was there anyone else?
A No.
Q Was her objection the job itself or where she was doing the job?
A I would say the job itself.
Q Did she do the job?
A She does it sometimes but not very often.
Q Did Rose Davis ever complain about doing the soldering job?
A No.
Q The hand soldering job?
A No.
Q Or the pot?
A No.
Q Did Rose Davis ever object to working in the rear of the shop?

A No.

Q Have any other girls worked in the rear of the shop soldering?

A Yes.

Q Soldering pot?

A Almost all the girls have.

Q What do you mean by all? How many girls are there in the shop?

A At this time I believe approximately 15.

Q So how many have worked there at one time?

A At one time or another at least 10 or 12.

Q How is it determined how long they will be in the back of the shop?

A The length of time it takes them to do the number of pieces they have been given.

Q When they are finished?

A They would come for another job. Might be the same job, a different lot of the same item or it might be a completely different job.

Q Correct me if I am wroing, if I can understand what you are saying to a small extent one factor determining how long a girl would be working in the back of the shop is how long she will take to do the job?

A That is correct.

Q Unless when she comes back she might be reassigned

to a similar job?

MR. DAVIS: Your Honor, I have to object.

I didn't object to the first question, although it was leading, but the second is adding testimony to the first answer.

JUDGE BARBAN: I think, Mr. Goldbert, it is a proper objection. Most of your questions indicated to the witness what type of answer should be given.

Can we get more direct testimony from the witness?

MR. HENRY GOLDBERG: Yes, sure.

If you recall though I offered to ask the witness to discuss in his own words, to describe --

JUDGE BARBAN: We are only talking about your last question at the moment.

MR. HENRY GOLDBERG: Okay.

Can you read back the last question?

JUDGE BARBAN: The last question had to do generally with the factors --

MR. HENRY GOLDBERG: Okay.

JUDGE BARBAN: -- which govern how long the girl would be in the back of the shop?

MR. HENRY GOLDBERG: Thank you.

Q What determines how long a girl works in the back of the shop?

A The number of pieces she has been given to do and

the length of time that it takes her to do each one.

Q Is there any set management policy in regard to any particular area of work?

A No.

Q Are jobs ever invented for a particular employee?

A We are not in a financial position to invent jobs, no.

Q Well, do you do any custom made work?

A Yes.

Q Is all your work custom made?

A It is made to customers' specifications. Is that how you define custom?

Q No, I meant by custom made --

A We don't make anything that we design ourselves for our own stock. This is -- we are primarily a job shop.

MR. HENRY GOLDBERG: I see.

JUDGE BARBAN: Mr. Burns, for my information since I have to interpret this record, I make the distinction between mass production and custom made.

I am assuming from all of your testimony that you do little or no mass production; would that be correct?

THE WITNESS: How would you define mass production?

JUDGE BARBAN: Repetitive operations on the same object or the same product.

THE WITNESS: Well, we have many jobs that you would

consider mass production.

We also have many jobs that are individual, you may call custom work, but these are jobs that other people have designed and will give us a set of specifications to make.

JUDGE BARBAN: If they ask you to make a piece of electronics equipment and wanted you to make 50,000 of them I assume we would enter the area of mass production on that particular product?

THE WITNESS: Yes.

JUDGE BARBAN: Go ahead.

Q Are there any jobs in the shop in which lefthandedness or righthandedness or such is necessary to be able to do?

A Yes, primarily winding machines. Most of our winding machines are designed for a right-handed operator.

Q Any other machines?

A Not to the best of my knowledge.

Q How about hand work or hand winding?

A That I don't believe makes any difference if a person is righthanded or lefthanded to the majority of that.

Q Have you ever done hand winding?

A Yes, I have.

Q Are you aware of management's policy with regard to tardiness of employees?

A Yes.

Q What is it?

A If a person is continually tardy we will speak to her asking her to try to come in on time.

We feel we expect all the girls to come in on time and we cannot let one girl to start coming in a few minutes later.

We have to apply the rules equally to everyone.

Q Is the rule applied equally to everyone?

A Yes.

Q Are there any or were there any employees -- well, were there any employees within the last year that fell into this category of being tardy with some frequency?

A Yes.

Q Who were they?

A Rose Davis.

Q Was she the only one?

A There are several part time girls who do not come in at 8 o'clock but they are not expected to come in at 8 o'clock so they are not considered tardy.

Q Is Maria Rose one of these girls?

A Yes.

Q What time is she scheduled to come in?

A Normally it would be 8:10 or 8:15.

Q When does she work until?

A Normally 2:30.

Q Excuse me?

A Normally until 2:30.

Q Why do you allow her to come in late? Why can't she work from 8 o'clock to --

A I believe she has a nephew she has to drive to school or something to do at home that prevents her from coming in at 8 o'clock.

Q How long has she been coming in for this period of time -- I'm sorry, how long has she been coming in at that time?

MR. DAVIS: I will object. I am not sure who we mean now.

MR. HENRY GOLDBERG: Maria Rose.

THE WITNESS: As long as she has worked for us. The time has changed depending on -- I would assume the nephew's school schedule or --

Q Has it been, ever earlier than 8:10?

A Not to the best of my knowledge.

Q Did this arrangement predate June 1974?

A Yes, it did.

Q Youmentioned Rose Davis as being an employee who was late with some frequency.

I wonder if you could expand on that statement.

A During the 125 days -- the last 125 days of her employment --

Q Can you give me the dates of that?

A I believe it runs from May 1st until November 12th, approximately, out of 125 working days she was late 52 times.

MR. HENRY GOLDBERG: Would you mark this as Respondent's 4.

(29 time cards marked Respondent's Exhibit 4 for identification, as of this date)

JUDGE BARBAN: Doyou intend to offer all of those cards?

MR. HENRY GOLDBERG: As a batch, yes.

JUDGE BARBAN: You will have to have every one of them marked.

MR. HENRY GOLDBERG: Well, I will tell you, I will ask the Court if we can mark them as a batch for now and I will lay a foundation and identify them and --

JUDGE BARBAN: Off the record.

(Discussion off the record)

JUDGE BARBAN: On the record.

While off the record it was determined that Respondent's Exhibit No. 4 for identification consists of 29 cards which respondent states are dated each with a different date.

On that basis go ahead with your examination, Mr. Goldber.

Q I show you Respondent's Exhibit 4 collectively, the

29 cards and ask you if you can identify them and explain their meaning?

A These are Rose Davis' time cards dating from May 1, 1974 until November 13th. Every production worker has a time card and --

Q What are the dates on the cards? In other words, each card can't be for a date --

A No, these are weekly time cards.

Q So each date is the end of the week or the beginning of the week?

A The end of the week. I believe so.

Q Have you reviewed these cards?

A Yes, I have a summary.

Q Do you have the summary here?

A Yes.

Q Do you want to refer to it?

A It is the yellow piece of paper.

The times that are circled in blue are late times.

MR. HENRY GOLDBERG: Mark this,please.

(Document marked Respondent's Exhibit 5 for identification, of this date)

Q I show you Respondent's Exhibit 5 and ask you if you can identify that.

Q This is a summary of the starting times or the times the card was published each date from May 1st through

November 13th.

Q Who compiled that summary?

A My father did.

Q Can you identify him?

A Yes, Sidney Burns.

Q Were you present when he did that?

A I checked it after he had done it.

MR. HENRY GOLDBERG: I would like to offer at this time Respondent's Exhibits 4 and 5 into evidence.

JUDGE BARBAN: Any objection?

MR. DAVIS: I would like to examine the documents. May I have a voir dire briefly, your Honor.

JUDGE BARBAN: Yes.

VOIR DIRE EXAMINATION

Q (By Mr. Davis) Mr. Burns, did you receive Respondent's Exhibits 4 and 5 from the records and files of the company?

A From the time cards.

Q The time cards?

A Yes.

Q And five you say was prepared from the records and the documents of the company?

A Yes.

Q By your father?

A Yes.

Q You say you checked these figures on Respondent's Exhibit 5?

A Yes.

Q Against what?

A Against the time cards.

Q What do they reflect actually?

A These are the times that she punched in each morning.

Q In other words --

A 56 would be 7:56; 7:58, this is 8:13. Starting time is 7:55 and any time after that has been circled in blue.

Q Any times not circled indicate she came in early or on time?

A Yes. Well, the excess are days that she did not come at all and Hs are holidays.

MR. DAVIS: Your Honor, I object to both documents, Respondent's Exhibits 4 and 5 on the grounds of relevance.

I object in addition to 5 on the ground that it wasn't prepared by the witness testifying, no showing that Mr. Burns, Sidney Burns could not testify as to its preparation.

MR. HENRY GOLDBERG: Do you want me to respond to that, your Honor?

JUDGE BARBAN: No.

May I see the documents, please?

(Respondent's Exhibits 4 and 5 for identification received in evidence, of this date)

Q (By Mr. Henry Goldberg) Mr. Burns, referring to Exhibit 5, once again, can you give me a summary of what this chart revealed?

MR. DAVIS: Objected to, your Honor. The document speaks for itself. I don't think we should belabor the point.

JUDGE BARBAN: What is the purpose?

Q I don't recall if you stated this or not before. I want to make sure it is on the record.

How many days does this chart represent -- is this on the record?

JUDGE BARBAN: It doesn't make any difference. The piece of paper is in evidence. I will at the appropriate time count the numbers.

Q Mr. Burns, you mentioned before a job that you categorized as a cleaning job.

A Yes.

Q Can you tell us about that?

A This involves salvaging used parts which have been coated with varnish or wax. They are soaked in a solvent and then scrubbed to remove the varnish or wax.

Q Who was trained to do that job?

MR. HENRY GOLDBERG: Withdrawn.

Q Does this job take training?

A Not -- not a great deal of training.

Q Who does that job?

A Several girls do it.

Q Who?

A Catherine Gionetti has done it, Ann Spinella has done it, Rose Davis has done it.

I would say most of the girls at one time or another have done a cleaning job.

Q Why did you mention those three?

A They are the ones who have done it most I would say.

Q Are there any one of those three who has done it more than the others?

A I would say Ann Apinella if anyone.

Q What?

A Has done it more than the others.

Q How often does she do it?

A Well, not in terms of frequency but in terms of the total length of time she has done it, she spent more time doing it than anyone else.

Q How long a period of time did she do it when assigned? Does this entail morning or a half-hour?

A No, it could be several days to a week.

Q I want to make sure I have this clear, you are saying she does it for more than a half-hour at one time.

A Yes, she does.

Q For more than two hours at a time?

A She works at it and it could be for several days.

Q For a day at time?

A Yes.

Q Has she done that since June, 1974?

A Yes.

Q When that you can recall?

A I believe it was in November of 1974.

Q When in November, '74?

A I don't recall the exact date. I think in the middle of November.

Q When else did she do it in the fall of '74?

A Idon't know any dates but she has done it, had done it prior to that.

Q Who was the third girl besides Rose Davis?

A Catherine Gionetti.

Q When did Catherine do it?

A She did it in October of 1973 and several times since then.

Q Why does October of '73 stand out in your mind?

A Because I remember we had a big job that required cleaning and she did it.

Q What about Rose Davis?

MR. HENRY GOLDBERG: Withdrawn.

Q You stated a moment ago she has done it?

A Yes.

Q She was one of these three girls?

A Yes.

Q Describe to me when, how long she had done it.

A For several days during the fall of 1974. I don't know the exact date.

Q Was it more than Ann Spinella had done it?

A No.

Q Was it less than Ann Spinella had done?

A Yes.

Q Substantially less?

A I believe so.

Q How is the seating arrangements in the shop organized?

A Thereare individual benches throughout the shop with chairs around the benches.

Q How is it determined who sits where?

A It would depend on the job and the individual space that was available to do that job.

Several of the benches have winding machines secured to them so all winding jobs would have to be done at those benches.

There are other benches that call for assembly and depending on how much space was available on the bench,

Did you notice girls leaving?

MR. DAVIS: Objection, your Honor, highly leading.

MR. HENRY GOLDBERG: It is an important issue. I don't know how else to ask a question.

MR. DAVIS: I can think of a way.

MR. HENRY GOLDBERG: I will try.

JUDGE BARBAN: All right, you intend to rephrase the questin then?

MR. HENRY GOLDBERG: I will try, yes.

Q Did you have any observation of your own knowledge as to the relationship of Rose Davis with her co-employees?

A I was aware that she did not get along well with many of her co-employees.

Q Why not?

MR. HENRY GOLDBERG: Withdrawn.

Q How were you aware of this?

A If she were to sit at a bench with some other girls occasionally the other girls would get up and move away to another bench.

She ate her lunch outside in the driveway while all the other girls ate inside at one bench.

Q Do you have any reason to suspect why of your own knowledge these girls moved away?

A I understand that she had treate d them badly.

Q What does that mean?

operative fact. It doesn't come in for its truth.

JUDGE BARBAN: Mr. Goldberg, a threat is hearsay until the witness gives me factual basis on which he bases that statement.

It is a conclusion and an inference and an opinion.

MR. HENRY GOLDBERG: I will have to ask him what they said then and we will proceed accordingly.

JUDGE BARBAN: I would prefer that you give the witness an opportunity to tell me what he knows.

MR. HENRY GOLDBERG: Okay. That is what I was attempting to do and we are prepared to give firsthand direct testimony as to these facts which might be refreshing in this case.

Q What firsthand knowledge did you have of fact, aside from the facts you already mentioned, as to moving away from her, when she would be assigned a work bench or eating away from her or away from the rest of the girls for a period of time that she did not get along with her fellow workers, she being Rose Davis?

A I heard her yelling at her fellow workers on at least one occasion.

Q What did she say?

A It was rather loud and incoherent and a little profane also.

They were at lunch and she was attempting to have them

support the union, I believe, and the other girls did not want to go along with her.

JUDGE BARBAN: Mr. Burns,would you, for my purposes -- I know how difficult this is but I have a problem of understanding and recreating what happened, would you testify as nearly as you remember what you heard Mrs. Davis say and, to the best that you are able, what you heard any employee reply.

THE WITNESS: I was sitting at my desk which is located in the center of the shop. This was right after lunchtime at the gun.

The other girls were sitting at a bench, two or three benches down having their lunch.

Mrs. Davis stood up and I believed asked the other girls to go with her or to support her in the union and no one answered her.

I don't remember her exact words but she said that she was doing this for them, why weren't they supporting her?

I also don't remember the exact profanities used but she was abusive to the girls.

She then walked out past my desk and turned to me and said "What is the matter with these people?"

I said I didn't know.

JUDGE BARBAN:When did this occur?

THE WITNESS: This was, I believe, June 5th.

to November, 1974?

A I believe that is correct.

Q Why didn't you give her a raise from January to November?

A She hadn't asked for one.

Q You testified, I believe, that Mrs. Davis was much slower than girls of equal skill; is that correct?

A On some jobs, yes.

Q Would you characterize her as a satisfactory employee or an unsatisfactory employee with regard to her work skills?

MR. HENRY GOLDBERG: I object.

JUDGE BARBAN: Overruled.

A How would you define a satisfactory or unsatisfactory employee?

Q Did she do her work competently as compared with other employees, or incompetently?

A I would say she was not one of our best workers. Sometimes she did her work competently and sometimes not competently.

Q You testified also that Mrs. Gavani complained to you about the soldering pot assignment give to her; is that correct?

A At one time she said it was aggravating I believe psoriasis. She had a skin condition on her hand.

She had a skin condition.

Q Do you recall when that conversation took place?

A It would have been I imagine early in 1974.

Q Around January?

A Perhaps.

Q What did you do at that time when she complained to you? What did you respond to her?

A I told her if she felt it was aggravating her condition that she would not be required to do it.

Q You gave her another assignment?

A Yes.

Q Youtestified that if an emplcyee is continuously late you would talk to her and ask her to come in on time; is that correct?

A Yes.

Q Who among your employees did you talk to with regard to that?

A Rose Davis.

Q Anyone else?

A There have been various girls over the years that we had spoken to. Do you want some other names?

Q I will give you a time period. Can you recall anyone from June, 1974 until November, 1974?

A No, I can't recall anyone was late as often as Mrs. Davis was.

Q Do you recall anyone who was late at all during that period?

A I suppose everyone comes in late on occasion.

Q But not with the regularity of Mrs. Davis?

A That is correct.

Q Did you speak to her with regard to coming in late?

A My brother did.

Q Maria Rose come in late?

A Yes.

Q How often?

A Continuously.

MR. HENRY GOLDBERG: Objection. This has been established.

JUDGE BARBAN: Overruled.

A (Continuing) As I stated before Maria Rose had reasons and she was not expected to come in on time.

Q How did you know that?

A I had been told that by Joe Baumel.

Q Who is Joe Baumel?

A He was the production manager at the time that Maria Rose was hired.

Q When were you told this by him?

A Just before he left.

Q When was that?

A January 1974.

Q What did he tell you about it?

A He said Mary Rose because of an obligation at home which I understood to be driving someone to school or some similar obligation was not able to come to work on time, she was a part time worker, and that he told her he didn't expect her to start at 8 o'clock.

Q Is Mr. Baumel still employed?

A No.

Q When did he leave?

A January, 1974.

Q Did you discuss that policy with Mary Rose after that time?

A No.

Q You didn't want to know for yourself that one of your employees --

MR. HENRY GOLDBERG: Objection.

MR. DAVIS: Let me finish my question.

Q (Continuing) That one of your employees would be continuously late and you didn't want to know the reason; is that correct?

MR. HENRY GOLDBERG: I object.

A Mr. Baumel told me the reason.

MR. HENRY GOLDBERG: They are arguing and he is belaboring the point.

JUDGE BARBAN: Mr. Goldberg, I am not going to say

this again.

I think you are entitled to know why I am ruling as I am on your request.

There is a certain latitude that I have to afford counsel in cross-examination and it is not a matter of objection but counsel on cross-examination is going over ground that has been previously covered.

Go ahead, Mr. Davis.

Q What are the usual hours for a part time employee?

A There are no usual hours.

Q Do you have regular hours part timers must work?

A Very flexible. Many of our employees have school-children and we allow them to adapt their schedule to fit their needs.

Q Could you name any others besides Mary Rose?

A Ann Spinella.

Q You allow her to come in late also?

A Yes.

Q She comes in late continuously too?

A Yes.

Q These employees, are they paid for the time they don't come in late? Excuse me, I will withdraw that.

Are these employees paid beginning from the time they are supposed to be in, 7:55?

MR. DAVIS: I will withdraw that.

again, but since the employee, the complainant wasn't discharged for coming late how is his line of questioning productive to anybody, including the board's investigation?

There is no question he discharged her at all nor was she prejudiced because in no way did her employment cease or stop because of coming in late.

She is alleging a constructive discharge, not a discriminatory discharge.

JUDGE BARBAN: Apparently it is one of general counsel's theories that the treatment of Mrs. Davis with respect to her lateness contributed to her termination.

Go ahead, Mr. Davis, within a reasonable limit. Your last question was whether or not the company paid employees from 7:55 even though they might be one or two or three minutes late? Was that your point?

MR. DAVIS: Up to five minutes late.

JUDGE BARBAN: You may answer that question.

A I don't know. It is not a policy that I am aware of. I don't establish this policy either.

Q Who does?

A I think this was a policy that was established by Mr. Caddell and our secretary has always handled this. I am not really sure what the policy is.

Q Your secretary being Rose Mitchell?

A That is correct.

MR. DAVIS: No further questions.

JUDGE BARBAN: You are excused. Thank you very much.

(Witness excused)

JUDGE BARBAN: Call your next witness.

MR. HENRY GOLDBERG: I call, your Honor, Mr. Thomas Burns.

Whereupon,

THOMAS BURNS

was called as a witness and, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Henry Goldberg) For the record would you please state your name and occupation?

A Thomas W. Burns. I am the secretary for Caddell-Burns Manufacturing Company.

Q Your address, please?

A 40 East 2nd Street, Mineola.

Q Mr. Burns, in what capacity are you employed at Caddell-Burns Manufacturing Co.?

A I'm in charge of production.

Q What duties and authority does such position entail?

A Mainly setting up and assigning of work.

Q Would you explain to this court how you go about assigning jobs and work assignments?

A Well, the jobs to be done are usually determined by

which jobs are due to the customer first.

Then I decide who is going to do it by who is available at the time.

Q When a job becomes available what criteria do you use in determining who is going to do the job? Is it just who is available?

A It depends upon the job that has to be done.

Q What do you mean?

A It depends upon how technical or how much skill is needed to perform the job.

Q Are there any other criteria?

A For choosing who would do the job?

Q Yes.

A Other than the difficulty of the job or the amount of skill required to do the job and when the job is due and who I have available.

Other than that I don't have any other criteria for it.

Q Do you have any reason to suspect there is any job that might be considered less desirable by your employees?

A There are probably a couple of jobs that are not loved, yes.

Q What are they?

A Probably the solder pot and some of the cleaning jobs.

Q Is the manner of assignment of employees to those jobs any different as to any other job?

A Not really.

Q Have you discriminated against Mrs. Rose Davis in the assignment of jobs to her?

A No.

Q Have you given her a disproportionate amount of what might be considered disagreeable jobs?

A No.

Q Have you assigned Mrs. Davis to any of these so-called disagreeable jobs?

A Occasionally, yes.

Q Why?

A They had to be done and she was available to do them.

Q Was anyone else doing such jobs at that time?

A At the exact same moment she was doing it?

Q Well no. In the same week, the same day?

A Oh yes, yes.

Q Can you give me an example?

A Within the same week I might have wanted two other girls doing the exact same job.

For instance, say one day Rose didn't come in, I still had to get work done, I would just assign somebody else to it.

Q What if Rose was in?

A It depends on what the other people are doing. Normally if I assign a girl to a particular job she would

normally stay on that particular job until the job is done because if I took her off and put somebody else on it requires explaining what has to be done and showing them.

Q Are there any other employees who worked in the rear of the shop?

A Yes.

Q Who are they?

A At any given time it could be any number of employees.

Q Can you give me a name?

A That works in the rear of the shop?

Q Yes.

A Mrs. Gionetti.

Q Give the first and last names, please.

A Augusta Byers.

Some of the girls' last names I don't know.

Q Do the best you can.

A Margaret, Olive. They worked pretty much most of the time in the back section. Most of the other girls depending on what work was to be done.

Q Were there any other girls who spent more time in the back other than Mrs. Davis?

A Yes.

Q Who?

A The girl I just mentioned spent more time.

Q They all spent more time in the back of the shop?

A They spent pretty much most of the time in the back.

Q What were they doing when they were back there?

A Whatever their particular job would have to be at the moment.

Q One of their jobs include the solder pot type or work?

A Sometimes,yes.

Q What else is one in the back of the shop?

A Some testing is done, some assembly work, some of the cleaning work.

Q Are working conditions different in the back of the shop than they are anywhere else in the shop?

A I don't believe so, no.

Q What about the temperature?

A It is pretty constant throughout the entire shop.

Q Do you have an area in your workshop known as the garage?

A Yes, we do.

Q Is any work done there?

A Yes.

Q Can you describe inyour own words?

A Occasionally we use that for iridating. We will use it for some cleaning jobs. We have a spray booth in there where we will do the painting.

Sometimes we just use it for drying.

Q Who is assigned to such jobs?

A It could be any girl at any given moment.

Q Was Mrs. Davis assigned to jobs in that area?

A Occasionally.

Q Do you recall what tasks she was doing?

A I would imagine it would probably have been one of the cleaning jobs.

Q Was anyone else assigned to those jobs?

A Yes.

Q Who?

A Just about everyone in the shop at one time or another.

Q Well, do they do it the same amount that she did?

A Some of them did more, some did less.

Q Who did more?

A Ann Spinella did more. Catherine Gionetti did more and there probably are girls that I don't even know of that did more.

Q Did any of the girls complain about working in the garage?

A No.

Q No one?

A None ever complained to me, no.

Q Did Mrs. Davis complain?

A No.

Q How are sitting arrangements determined in the shop?

I would have other things to do, and if at the end of the day she was there by herself some of the other girls might have finished or some of the girls might have gotten up and left, but I didn't really, you know, I didn't really notice.

I didn't really pay much attention to it.

Q What time do you come in in the morning?

A About 7:30.

Q What time are the girls due in?

A Most of them come in, are due in at five to 8.

Q What time is Rose Davis due in?

A She was due in at five to 8.

Q How would you characterize Mrs. Davis' punctuality?

A Very poor.

Q Is there any employee at Caddell-Burns in the period running throughout 1974 -- let me modify that.

From May, '74 to November, '74 whose frequency of tardiness approached Mrs. Davis'?

A Came nowheres near.

Q Who else was tardy?

A I would have imagined that every girl probably at one time or another had been late.

Q Any others with any frequency?

A None that I ever picked out, no.

Q What do you mean by picked out?

A Like going through the time cards, you know, at the end of the week. We go through the time cards and none that I saw were coming in late frequently.

Q Did you have any cause to assign Mrs. Davis to a job to which she claimed she wasn't trained to do?

A No.

Q Do you have any reason to believe Mrs. Davis is ambidexterous?

A On one or two occasions she informed me of that.

Q She did herself?

A Yes.

Q What did she say?

A I don't recall her exact words but one time she was telling me about when she was young or something like this she used to play baseball with the boys or something like that and she could throw the ball or bat from either side, something along these lines, that she could do anything with either hand.

JUDGE BARBAN: Did you have any reason to know she was more proficient with her left hand?

THE WITNESS: She informed me that she was left-handed though.

JUDGE BARBAN: Go ahead.

Q Did you have any discussion with employees regarding pay increases at any time between June and November, '74?

The following day there was the same thing. At the end of the second day I recall that there were not as many done as I recall being done at the last time in the same time period because now there was almost 16 hours of work and there was only a matter of maybe a hundred or so pieces completed.

So the following day --

Q Which day is this?

A It would be Wednesday. The actual dates --

Q This is the third day she was doing this?

A Right, on the third day. That Wednesday morning, like I say, I come in about 7:30. I divided the remaining pieces equally in half. I believe it was 170 pieces for each and I left the 170 pieces with Mrs. Davis.

It just so happens that Mary Rowe had nothing assigned that morning. I gave her the other 170 pieces and she had also done that same job a few months previous.

Q At the same time as Mrs. Davis did it?

A It is possible give or take a week or even give or take a month but I recall she had done it before.

I explained to Mary how to do it. I showed her. She did a couple for me and they were correct and they started.

About two and a half hours later --

Q This is Wednesday morning?

A Wednesday morning, Mary came up to me, she was

finished.

Q With what?

A The 170 pieces I had given her and I checked them. I spot checked them and they were done correctly.

I checked the ones Rose had done in the same period. Rose had only done approximately 25 pieces in the same length of time. So I pointed this out to her.

I said "I don't understand, the same length of time Mary only started this this morning and she did this many" and, you know, I had the box full and I said "The same amount of time you only did this many" and there was a little pile and she just said "Get off my back, I'm warning you, you have been riding me long enough."

I took a step back. It was a total shock. I had no idea what was going on. "I don't understand, I'm just asking you a question", you know.

You know "Is this job so hard you can't do it? I don't understand why you have so few done".

She said "I'm warning you, I'm going to get even" and at that time I had no idea what was going on.

Then my brother came up and I sort of stepped back because I had no idea what was coming.

That is the incident that stands out in my mind.

On another occasion there were some terminals to be

Q Did you warn Mrs. Davis about coming in late to work?

A Yes, I did.

Q How often was she late to work?

A I believe we have the figures in front of us.

Q In your own recollection.

A 52 days out of 125.

Q Did you warn her about coming in late?

A Yes, I did.

Q Did you take any action against her for coming in late?

A No, I didn't.

Q Even though no other employee came close to achieving her allegedly late attendance record?

A Correct.

Q How did you know that other employees came in more punctually than Mrs. Davis?

A I checked the time cards every week.

Q Why do you check them every week?

A It is part of my job.

Q Could you tell us what you do when you check the cards?

A . Go through, see who has been late, see who is there, see who punched out to lunch and to see who came back from lunch late.

Q What did you do after you found out these facts?

A They started and just indiscreetly I timed them.

Q You gave them the same work you gave Mrs. Davis to do?

A Yes.

Q Hadn't she done this work, completed that work the day before?

A No, she had not.

Q Who were those two employees?

A I believe one of them was Marie Bini and I can't recall the other one.

Q Is Marie Bini still employed?

A Yes, she is.

Q I have no further questions.

JUDGE BARBAN: Mr. Burns, I would like you to help me in two or three matters that bother me at the moment.

Would you describe the way the solder part looks and how it operates?

THE WITNESS: It is a metal pot with molten solder in it and you plug it into a wall and there's heating elements and it heats it up until the solder melts.

JUDGE BARBAN; That was my assumption.

How hot does that pot have to be kept in order to keep the solder molten?

THE WITNESS: I don't know. My brother would know the exact temperature. I would -- I could give youa guess

but I don't know exactly.

JUDGE BARBAN: When you say a guess I will take an informed estimate because that would be better than what I know.

THE WITNESS: I would imagine the operating temperature would be somewheres in the vicinity of a few hundred degrees.

JUDGE BARBAN: Of course a few hundred can be --

THE WITNESS: Three or four hundred, maybe even five hundred degrees. The pot has a thermostatic control, depending upon what you are going to do with it, would depend upon the temperature of the solder.

If you are going to solder large items, you need the temperature higher. If you are going to solder thin, small wires, then you turn the temperature down so it depends what you are doing.

JUDGE BARBAN: But at a minimum that solder has to be liquid?

THE WITNESS: Right, so probably around three, four hundred degrees I would imagine.

JUDCE BARBAN: There were I believe two instances in which you had occasion to specifically time Mrs. Davis and one was with the terminal board and the other one I think was -- you didn't specifically mention it but she mentioned a winding operation.

Q Do?

A No, we don't.

MR. DAVIS: No further questions.

JUDGE BARBAN: Mr. Burns, are excused. Thank you very much.

Call your next witness.

MR. HENRY GOLDBERG: Yes, the next witness will be Mrs. Anne Spinella.

Whereupon,

ANNE SPINELLA

was called as a witness, and having been first duly sworn by Judge Barban, took the stand and testified as follows:

JUDGE BARBAN:: Be seated.

DIRECT EXAMINATION

Q (By Henry Goldberg) Will you please state your name and address and place of employment?

A Anne Spinella, 117 Sherman Avenue, Williston Park.

Q And your place of employment?

A Caddell-Burns.

Q What is your positionat Caddell-Burns?

In other words, what jobs do you do?

A I do different jobs, no one job.

Q For example?

A I do a little winding, I do soldering.

Q Soldering? Do you mean solder pot --

A Both, and the iron. I do packing and there's other little things you use, solutions like polyurathane you have to pint the stuff with.

Q Do you do any cleaning?

A Cleaning?

Q Do you do any cleaning in an area known as the garage?

A Yes.

Q Do you use a solder pot in the rear section?

A Sometimes.

Q Did you ever have an occasion to do a cleaning job in the garage?

A Yes.

Q What does that entail? In your own words tell me about it.

A Well, you put stuff in a solution that I have to take out and scrub the junk that is on there. I don't know.

Q How often do you do that?

A Well, I did it a few times but not on a steady basis.

Q When you do it for how long a period do you do it? How long does it take? More than half an hour?

A It depends.

Q Excuse me, you tell me.

A It depends. Sometimes it runs longer, a couple of

days.

Q A couple of days in a row continuously?

A Yes, sometimes.

Q I want to make it perfectly clear, to coin a phrase, do you do it all one day and all the next day on occasion?

A Yes.

Q And until the job is done?

A Yes.

Q Have you had occasion to do that since October, '74?

A Yes, I think so.

Q Can you estimate about what time?

A The time of the month, what month?

Q Just the months?

A I think it was a little after June, before the winter. I don't remember.

Q Do you know if your former coemployee, Rose Davis, did such a job?

A Yes.

Q Do you know whether or not she did it frequently?

A Well, about the same amount of time that anyone else.

Q Did you do it any more than she did or did she do it any more than you did or you can't tell?

A I think it is about the same.

Q Did the job cause any discomfort?

A No, but there is some jobs I like better than others. That is not one of the better jobs but it is something I just had to do and I just did it.

Q Did you have -- I don't know if this question was asked before -- I am going to ask now, did you ever have any injury or any damage to your hand?

A No.

Q Did you have to stick your hand into the solution?

A Yes. Well, you get a certain amount on your fingers but I used like prongs to take it out.

There is different, you know, things like that in the shop. I just use my own judgment to take the stuff out of the solution.

Q With the prongs?

A Yes.

Q Are those prongs available to anybody?

A Yes.

Q Did you ever have to dip your hand midway to the elbow?

A No.

Q You stated that you worked at the soldering pot in the back?

A Yes.

Q Do you remember what months you might have worked there?

MR. DAVIS: Objection. It has been asked and anssered.

MR. HENRY GOLDBERG: This is in regard to --

JUDGE BARBAN: The present question is what months she remembers working in the solder pot.

MR. HENRY GOLDBERG: Solder pot, not the garage.

JUDGE BARBAN: In the back?

MR. HENRY GOLDBERG: Yes.

JUDGE BARBAN: All right, I will take an answer.

A What months? What was the question?

Q I'm sorry, do you recall what months, just the months you might have worked on the solder pot in the back of the room?

A It is an oven really.

Last when, what I could remember? I don't know. It varies.

Q Did you ever work there in the summer?

A Yes, a couple of times.

Q Did you find the job discomforting in any way?

A Well, in the summer a little bit but otherwise not -- you know, it wasn't that bad.

Q Did you complain about it in the summer?

A No.

Q Never?

A No.

Q How hot does it get?

A It gets pretty hot but not enough to --

Q Let me clarify that. That was a general statement.

Not how hot the molten solution gets but how hot does the room area get?

That might have been how you interpreted the question.

JUDGE BARBAN: Just a moment, counsel. Let the witness answer the question.

MR. HENRY GOLDBERG: Okay.

A If it is a large soldering pot it gets pretty hot, but, you know, not enough -- that I could bear it, you know.

Q Do you know if any other coemployees did such a job?

A Yes, we all did it.

Q Did you all do it in the fall of 1974?

A Yes, everyone did it on and off.

Q Did anyone do it more than others?

A I don't think so.

Q Did anyone complain about doing it more than others?

A No.

Q Nobody?

What about -- I'm sorry, go ahead.

Did anyone complain about doing it more than others?

A Not to me, I never heard anyone complain.

Q What about Mrs. Rose Davis?

MR. DAVIS: Objection, leading.

MR. HENRY GOLDBERG: I will withdraw it.

JUDGE BARBAN: You want to withdraw that?

MR. HENRY GOLDBERG: If you will let me, if I have to I will withdraw it but I would rather leave it in.

JUDGE BARBAN: I haven't passed on it. I am going to overrule the objection.

MR. HENRY GOLDBERG: Thank you, Your Honor. As you see I am trying to move along.

JUDGE BARBAN: The question was whether you ever heard Mrs. Rose Davis complain about working at the solder pot during the summertime. Is that your question?

MR. HENRY GOLDBERG: Thank you. Directly to me?

JUDGE BARBAN: No, did you ever hear it?

THE WITNESS: No.

Q What time do you report to work?

A 8:30.

Q What time do you leave?

A 2.

Q Do you know when normal starting time is?

A 5 to 8. You mean for myself?

Q No, in the shop?

A I believe it is 5 to 8.

Q Are you late coming 8:30?

A I don't know if they consider that late.

Q Do you come 8:30 every day?

A Yes.

Q Do you have any sort of arrangement with your employer in that regard?

A I mentioned in the beginning I have to see my kids off at school.

Q What did they say?

A When I first took the job I made that, you know, tell them I couldn't start before this and they said it was all right.

Q Are you aware of the fact that Mrs. Rose Davis eats lunch alone outside?

MR. DAVIS: Objection, leading.

JUDGE BARBAN: All right, sustained.

MR. HENRY GOLDBERG: I have no further questions.

CROSS EXAMINATION

Q (By Mr. Davis) Is that Spinella or Spinelli?

THE WITNESS: Spinella.

Q Mrs. Spinella, when did you start working for Caddell-Burns?

A Novenber of '73.

Q When did you start working the garage area?

A Maybe a few months after that, I don't remember too well.

THE WITNESS: Around December.

Q Can you remember how long before December, 1974 you began to do the cleaning work in the garage area?

A Again I got to ask how many hours I have done?

Q I mean the month that you started or the week, the number of weeks before December, 1974?

A The number of weeks?

Q Yes.

A Maybe a couple of weeks.

Q Where did you find these prongs that you used?

A Well, there's a lot of things laying around that just --

Q Where did you find them, if you recall?

A In the garage.

Q In the garage?

A Yes.

Q Where were they?

A They were not far from me, maybe the next table over or on the same table.

Q About how many pieces, if you could estimate, were in the can that you took that out of?

A Oh, there were quite a bit. I don't know about thousands but there were hundreds I had to do.

Q Did anyone give you those prongs?

A No, I don't remember, but --

JUDGE BARBAN: In that connection let me ask you this, when you were first directed to do this work I assume somebody showed you what needed to be done?

THE WITNESS: Yes.

JUDGE BARBAN: Do you remember who it was?

THE WITNESS: Tom.

JUDGE BARBAN: At the time he showed you how to do it did he indicate that you could use the tongs?

THE WITNESS: Yes, I believe so.

JUDGE BARBAN: Pardon?

THE WITNESS: Yes, she did.

JUDGE BARBAN: All right, go ahead.

Q When did that begin?

A The job I was doing?

Q The time that he showed you what to do?

A It was in the winter, '74.

MR. DAVIS: No further questions.

JUDGE BARBAN: Mr. Goldberg?

REDIRECT EXAMINATION

Q (By Mr. Henry Goldberg) In regard to the tongs I guess it is what they are called, were they kept in an open area?

A Yes.

Q Were they generally known to the girls in the shop to the best of your knowledge?

A Yes, I think everyone knew.

Q Did any other girls ever speak to you about the existence of the tongs?

A The what?

Q Did any other girls in the shop ever speak to you about their existence?

A N o. I have seen others use it.

MR. HENRY GOLDBERG: I have no further questions of this witness;

MR. DAVIS: No further questions.

JUDGE BARBAN: You are excused. Thank you very much. Call your next witness.

MR. HENRY GOLDBERG: I would like to call as my next witness Mr. David Goldberg.

Whereupon,

DAVID GOLDBERG

was called as a witness, and having been first duly sworn by Judge Barban, testified as follows:

DIRECT EXAMINATION

Q (By Mr. Henry Goldberg) Will you please state your name and address and occupation?

A David Goldberg, 999 Central Avenue, Woodmere, New York. I'm an attorney for Caddell-Burns.

Q Mr. Goldberg, are you familiar with Paragraph 6 B of the Complaint in the present case as amended?

A Yes, I am familiar with it.

Q Do you need a copy of the Complaint to refresh your memory?

A No, I know it.

Q In your own words I wonder if you could tell us what transpired at thetime indicated in the allegations of that Complaint?

A Is it George Garber G-a-r-b-e-r?

Q Leo Garber.

A Leo Garber, the trade union official who was the moving organizer of this plant approached me at the hearing and in other places suggesting that we resolve the employment of Rose Davis, and I was noncommital one given day, and it was the last day of the hearing.

Q Before you go on, you say he approached you?

A Yes.

Q Was this on one occasion in particular?

A The actual picture as far as I can recollect, was quite informal.

He indicated that Ms. Davis was very unhappy in the plant and that he felt that we -- he didn't commit, it was we, as the company might offer her a severance wage.

I told him that I had never discussed it with the company or had they with me and we just left it at that until one given day and whatever day that might have been,

I think it was the last day of the hearing involving Mrs. --

Q Loretta Blandon.

A Miss Loretta Blandon. It was about five o'clock in the afternoon in the room, not the hearing room, but an adjacent room I believe it was.

He approached me again.

Q Who is he?

A Mr. Leo Garber.

Q Was he alone?

A He was with Mr. Ibanez and again suggested, and this is done very laconically, not with any -- just come over and say -- look -- the way it went as I remember "Look, Dave, perhaps we could just ajust the matter of Mrs. Davis."

And he suggested that she be given a two week pay severance wage.

Mrs. Davis who was in the room or approached the room so far as I can recollect was not in favor of that at all and that is how it was left.

The other person in the room so far as I know --

Q Before you go on, Mr. Goldberg, she was not in favor of that amount or she wasn't in favor of the discussion?

A Well, I can't say. I was referring to the amount.

I wasn't referring to her general attitude about this. I don't know what that might have been.

The whole thing was a short cursury thing.

I at no time imagined that anyone would assume that we would propose this in the Board's offices in the middle of another hearing, totally unrelated to the problem we were facing.

I was really being gracious to Mr. Garber who had been courteous to me.

MR. DAVID GOLDBERG: I have no further questions.

CROSS EXAMINATION

Q (By Mr. Davis) Mr. Goldberg, you testified that you were in another room with Mr. Garber; is that right?

A Well no, I was in another room and Mr. Garber entered the room. I was -- Mr. Sidney Burns was there as well and we were discussing whatever and Mr. Garber approached with Mr. Ibanez and said, very imformal, said "Let us take care of Rose Davis" or whatever, in that vein anyway, I'm not quoting him exactly, and that is how -- and he had done this before.

Q When did he do it before?

A During the period -- we were here for many hours walking around this place, during the rest periods and breaks and lunch and whatever.

Q When was the first time that Mr. Garber approached you by phone or in person regarding taking care of Rose Davis?

A It wasn't any other place but this place.

Q He didn't call you before?

A Not to my recollection at all.

Q So the first time was at the Board hearing?

A Right, right in this place, within these confines of this outside room and these offices.

JUDGE BARBAN: That would be in the foyer entering into this hearing room and entering into the hearing rooms adjacent. Go ahead.

Q What did he say the first time that he spoke to you about the matter?

A He alluded to Mrs. Davis and indicated she was very unhappy and might be better out of the plant and suggested that we give her severance rate the first time he spoke to me about it.

I just didn't respond. I just walked away. It made no sense at all in this office to discuss this with me.

Q Was this the first day of the hearing?

A I don't know which day it was.

Q Can you recall what time of the day that was?

A No, I couldn't, truly couldn't.

Q Could it have been at 5 o'clock at night the first day?

A It could have been as well. I really don't know.

Q How many times did you engage in discussion about this matter?

A Really never engaged him. I was always he who engaged me.

Q How many times did you discuss it with him?

A I would say two or three times. We didn't discuss it. He approached me with this. I said nothing to him.

Q The first time he said what you just testified "How about giving her two weeks severance pay"; is that right?

A That wasn't the first time.

Q Tell us what the first time was.

A The first time he didn't elude to any money, he merely said "We ought -- let us take care of Rose Davis".

I tell you, if I recollect it exactly Mrs. Davis was not present during any of his approaches to me.

Just came over informally to me and addressed me that way in a very friendly fashion trying to be helpful.

Q The first time he spoke to you you don't recall where you spoke to him except that it was on this floor in the areas that we have discussed; is that right?

A That is the extent of my recollection.

Q What did you reply to him when he said that the first time?

A I don't think I really --

MR. HENRY GOLDBERG: That was already asked and answered. Just a moment.

THE WITNESS: I made no comment. I just looked at

him.

Q Did you report what he said to Mr. Burns?

A No.

Q You didn't ask him will he check with Ms. Davis before making this offer?

A The answer is most emphatically not. I said so before.

MR. HENRY GOLDBERG: Read back the last question, I'm sorry.

(Whereupon the last question was read by the Reporter.)

MR. HENRY GOLDBERG: What offer? I object to that question?

JUDGE BARBAN: Look, Mr. Goldberg I read the record as a whole. I think I understand. In that context we have the witness' testimony that Mr. Garber came to him with a proposition that something should be done concerning Mrs. Davis.

MR. HENRY GOLDBERG: That is all I wanted to know. You are referring to Mr. Garber's offer.

MR. DAVIS: That's right.

MR. HENRY GOLDBERG: Thank you.

Q Was anyone present the first time you spoke with Mr. Garber about this?

A Mr. Davis, you are establishing a wrong twist to

this.

I said he approached me. I didn't speak to him at all. I just made no comment about it.

No one was with him as far as I know.

Q No one was around that could have heard what he said?

A Not to my knowledge, no.

Q How long after was the second conversation with Mr. Garber?

A I couldn't really say, I don't remember.

Q The first day or the second day, if you remember?

A I don't think -- I think it was probably the second day of the hearing but I really can't say that with any degree of certainty.

Q What was said at that time?

A Virtually the same thing, that Mrs. Davis -- "What are we going to do about Mrs. Davis?"

Q What did you reply?

A I made no reply to him.

Q Was anyone there present who could have heard that?

A Anyone who could have heard was Mr. Ibanez.

Q And you just walked away then?

A Discussed something else with him. He had --

Q That matter never came up again at that time?

A At that point, no.

Q Did you report at that time to Mr. Burns what was

said?

A No, I didn't discuss it with Mr. Burns. I did take it up with Henry and discussed, told him my son Henry, that Mr. Garber was speaking, had alluded twice to Mrs. Davis.

I don't think anyone else.

Q When was the third conversation or when did he speak with you the third time?

A I think the last instance was the one that took place as I indicated before which I previoulsy testified to.

Q What happened at that point?

A I just indicated that he -- I was in this room, I don't remember what room it was in fact, on the floor with Mr. Sidney Burns, Mr. Henry Goldbergand Mr. Garber and Mr. Ibanez.

If I remember correctly the matter was of no importance to me until I found the charge.

MR. Garber and Mr. Ibanez came and I don't know whether Mrs. Davis was with them at the moment or came subsequently.

Q But she did join you?

A She came over to where we were standing, yes.

Q How did the conversation open and what was said at that time?

A Same thing again, Mr. Garber said Mrs. -- he began -- he again alluded to Mrs. Davis as being unhappy and let us settle all the matters so to speak, that type of approach.

I told them that -- he said how about giving her two weeks severance? If I recollect Mrs. Davis was not enthralled with that at all. She was within earshot.

Q What did Mr. Burns say about that?

A Mr. Burns made no comment at all.

Q Did you discuss it privately with Mr. Burns?

A Subsequently?

Q Privately?

A We didn't discuss it that afternoon at all, no.

Q What did you reply to Mr. Garber what he said how about two weeks?

A I can't really recollect what I said to him, candidly, I don't have any recollection except that I think Mrs. Davis took the whole thing out of his hands by being very incensed at his suggestion.

Q Were you agreeable to the two weeks offer?

A I can't say really because the matter was -- the door was shut on it by Mrs. Davis' vehement refusal to consider what Garber was doing for her.

Q Were you surprised that the union would ask you, not the company to obligate itself to pay money when it

didn't have to pay any money at all to Mrs. Davis?

A I don't know what relationship there exists between Mr. Garber and Mrs. Davis or why he would do this or whether she was authorizing or whatever.

Q What was your attitude and the company's attitude to this request to pay her for money when she wasn't entitled to it?

MR. HENRY GOLDBERG: Objection.

JUDGE BARBAN: Sustained.

MR. DAVIS: Your Honor, I think this is important. We have here a situation --

MR. HENRY GOLDBERG: We have a ruling. You can't give a reason after a ruling.

JUDGE BARBAN: Counsel, if counsel can convince me I will change my ruling.

MR. DAVIS: Judge, I think it is important. We have an agent and attorney of a company who is presented with this offer of the union and I think it is important to this case to determine what his attitude was in relation to hearing this offer made.

MR. HENRY GOLDBERG: Your Honor, their reaction after the fact, their response to this unconventional and unorthodox behavior on the part of the union, probably in good faith, but probably an orthodox behavior on the part of the union after the fact is really not relevant after

at this time, the next witness will be Miss Mary Rowe.

Whereupon,

MARY ROWE

was called as a witness, and having been first duly sworn by Judge Barban, took the stand and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Henry Goldberg) Will you please state your name, address and place of employment?

A My name is Mary Elizabeth Rowe and I live at 18 Jehrico Turnpike in Mineola. I'm employed at Caddell-Burns Electronics, Second Street, Mineola.

Q When did you report at that establishment?

A I believe December 2, 1973.

Q What hours do you work?

A Well, when I started the man that hired me, Joe, told me that we could work as long as we worked a minumum of four hours, part-timers, that we could start and finish when we pleased.

This was his policy.

If we wanted to start at 12 noon or -- well that is lunch time. If you wanted to start at 12:30 we would work until 4:30.

If you wanted to start at noon we could work until -- well, 1:30 was lunch. I choose to start in the beginning, I worked from 5 to 8 until 1:30.

Q What -- go ahead -- well, you were talking about what period of time?

A When I first started the job.

Q What about during 1974 to the present?

A Well, shortly after that I found I could work until 1:30 but I would come in for quite awhile -- I didn't come in until nearly ten after, quarter after 8 because at that time my nephew had attended a different school and his hours were different, so I had to take him later.

Q What period of time did you come in say between May and November, '74?

A Well, in May I would still have been coming in late because of the school business.

Q Had you discussed this coming in a certain time different than the other girls with the employer?

A Well, even though Joe left I felt the same policy stood unless someone told me different, that as long as I worked my four hours no one approached me and said I had to work different hours or I had to come in at a certain time, because when I was hired I was given other instructions.

Q So the successor employer, the Burns, the employer after the initial employer as you observed it, seemed to adopt the same policy?

A Yes.

Q What jobs did you do in your day to day work at

Caddell-Burns?

A Since I started working there are recently?

Q Say between June and November, '74?

A More assembly than anything and then I went back to doing winding jobs because a few of the girls had left, the girls that were winding and I had had previous experience in winding.

When I first started I did mostly winding.

Q Did you have occasion to work on assignments in the rear of the shop?

A Yes.

Q Did you have occasion to ever solder in the back of the shop?

A Yes.

Q Did you ever have occasion to solder -- I'm talking about the soldering pot in the rear of the shop during the summer months?

A Yes.

Q How many occasions was that?

A Well, it depended. Like at that time I was winding.

Now, unless there is another winding job that has to go through right away whoever wound the job usually follows up on it and if I was winding -- see, certain things are soldered, certain things are tinned, dipped in the pot.

If I were winding or any of the other winders, the things that got dipped in the pot, then we would follow through and go right back an tin the job we just finished winding.

But if there was a rush, you know, we had to be put on another one, winding job, maybe one of the girls that were assemblers would finish off the job for us. It depended what happened.

Q Did your working on the solder pot in the rear of the premises cause great discomfort?

A It was hot, yes.

Q Did you complain about it?

A Well, between the girls. Never to any of the bosses but we all complained among ourselves.

Everybody like the pot in the winter though.

Q Were you able to complete your job there effectively?

A Yes.

Q The rear area of the plant, was the temperature of the rear area of the plant markedly different from the rest of the plant?

A It depends on how close you sat to the pot. If you could sit at arms length and your arm didn't give out on you, you know, it was just as hot as the rest of the place, but the closer you sat the hotter it was.

Q Were there any other girls besides yourself working

the solder pot?

A Oh yes.

Q What are their names?

A Anne Spinella, Maria Dias.

Q What period of time are you talking about?

Let me give you a period of time. How about between the summer of '74 and now or say November?

A Myself, Anne Spinella, Rose, Olive Xiques is her name, Charlotte.

Q Charlottle Dippel?

A Charlotte Dippel, yes.

Well, even all of the girls really. It depends. Some of then just have a few things that they tin fast. It doesn't mean they are going to be sidting there for a whole day.

Q Did any girl in particular spend a greater amount of time there?

A A few, depending on the job, depending on the length of the job you were given and that is a big pot back there so certain jobs have to be done on it. Depending on the job itself.

Q Before you go on, I want to clarify that point.

You say the pot in the rear was different than the pot elsewhere?

A Yes, it was deeper.

THE WITNESS: Yes.

JUDGE BARBAN: Go ahead, please.

A As far as I know one time I am positive of that she was on the pot for at least one full day, possibly two full days.

Other than that I saw her there but I was up winding in the front.

Now, I was not in the back assembling at this time so all I can more or less go by is what I was informed of by Rose. You know complain that she was on thepot too much.

This is what I mean in my own words. I know of one incident. The other ones I do not know. I did not see her. All I know is what she complained to me about.

Q Did you ever see her complain to the employer about that?

A No.

Q Did you ever see her complain to any other girls about that?

A No.

Q From the date of your employment that you stated a moment ago it appears that were employed in Caddell-Burns in 1974?

A Yes.

Q Were you aware of a union organization drive at

that time?

A Yes.

Q Did you have occasion to speak to Mrs. Rose Davis about that?

A Yes.

Q Could you tell me about that in your own words?

A Well, she wanted to bring the union because she felt that we needed it and she wanted the girls behind her.

Well, what else do you want concerning it?

Q Was she successful?

MR. HENRY GOLDBERG: Withdrawn.

Q How did she go about encouraging the girls?

A Well, it started out calmly but really the majority--us part-timers and as far as I was concerned, we didn't count because part-timers could not count with unions. This is -- so really it didn't concern me if --

Q I only want to know what you observed.

A Then one day the union officials were down there outside and no one would go out and talk with them.

It caused quite a bit of upset at the lunch table.

Q How was that?

A Well, one thing led to another and Rose got very upset and very mad and she was annoyed at all of us for not going with her and not talking.

Q When you say she was mad. That is a conclusion.

How do you know she was mad?

JUDGE BARBAN: Put it in its simplest way, can you tell us what was said?

THE WITNESS: Yes, she said -- she told us the next one that opens their mouth she would slap them, and the only reply was from Olive Xiques was "Try it" and that is as far as it went and that is when all heck broke loose.

Q How did the other girls respond to that?

A They were not happy.

Q Well, what happened after that, either that day or as days went on?

A About a half-hour later Rose did apologize to me.

MR. DAVIS: Rose did or did not? I'm sorry?

THE WITNESS: Did to me.

Q Anyone else hear that?

A Yes, but not, you know, it was just meant for me. I don't know why but then things got very progressively worse on and a little argument here and, you know.

Q Can you give me some incident without drawing conclusions? Tell me how you know that?

A Well, girls did not want to be bothered with her because they felt that every time something was said it wound up in an argument or could have led to a fight.

This is how the girls gelt.

A You mean a physical fight?

A Well, I think there would have been more verbal. I don't know if it could have ever gone that far.

JUDGE BARBAN: Just a moment, please. When you say this is how the girls felt you put me in a difficult position.

I assume, of course, that you had to have some basis for this conclusion of yours.

Would you tell me why you felt that way? Was it something you heard, something you saw, something that was done?

THE WITNESS: Yes, the girls that were -- didn't want to be involved in this, did not want the union. The ones that did not sign cards.

Well, I couldn't single out -- I guess I could. They did not want to be bothered with Rose because all she did was talk about union and they felt they did not want it.

JUDGE BARBAN: Did they say this? Did you hear them say this or did they take some action that you saw?

THE WITNESS: They just more or less stayed away from her.

JUDGE BARBAN: All right, it is because of that that you testified as you did?

THE WITNESS: Yes.

JUDGE BARBAN: Go ahead, Mr. Goldberg.

Q Did you ever have occasion to see Rose Davis threaten another employee?

A What do you mean by threaten? Verbally, physically?

Q Both. Also with getting them in trouble or calling authorities in, et cetera?

A Yes.

Q Can you tell me about it in your own words?

A Well, on two occasions I heard her threaten Catherine.

Q What did she say?

A She threatened to take her outside or meet her outside and have an out and out fist fight with them.

Q Did any of the other girls hear that?

A I believe so, yes.

Q What was the response of the other girls as you observed it?

A More or less just shut up. Nobody said a word since it was nobody's business.

Q Did you ever hear her threaten any other employee?

A No, not that I can recall.

Q I want to clarify, I don't mean physically, I mean with the use of authority or going to a board or --

MR. DAVIS: Objection, leading.

MR. HENRY GOLDBERG: This witness --

MR. DAVIS: Is what?

MR. DAVID GOLDBERG: Has a tendency to answer

questions in a certain manner. Certain things have to be brought out.

JUDGE BARBAN: Mr. Goldberg, all the witnesses have a tendency to answer questions in a certain manner.

MR. HENRY GOLDBERG: Okay.

JUDGE BARBAN: Is there a particular --

MR. HENRY GOLDBERG: Okay --

JUDGE BARBAN: -- thing --

MR. HENRY GOLDBERG: Okay.

JUDGE BARBAN: -- that you expect this witness to testify to which she has not?

MR. HENRY GOLDBERG: Yes, I understand, Your Honor.

JUDGE BARBAN: If it is you may at this point call her attention to it directly.

Q Did you have any occasion to observe or to have been made known that Mrs. Davis threatned Charlotte Dippel in any manner?

A Physically or verbally?

Q Verbally.

A No.

Q Did Rose Davis ever speak to you about her intention to quit?

A Yes.

Q What happened? What did she say and what did you say?

A Well, she said she did not enjoy working there and

that she was leaving after the 60 day probation period of the posting of something, I don't know what it was. I don't know myself.

Q Did she say whether or not anyone asked her to stay for that period?

A Yes.

Q What did she say?

A She said Mr. Davis asked her to stay.

Q She said she would intend to quit thereafter?

A Yes.

Q When did she say this?

A On the telephone. Exactly when I don't know. Right after Loretta's case, when this was posted, whatever it was.

Q Did you have any conversations with Mrs. Davis regarding her desire or request for you to testify on her behalf at this hearing?

JUDGE BARBAN: What was that question?

(Whereupon the last question was read back by the Reporter.)

A Yes.

Q Can you tell me about it? Tell me what you said and what she said.

JUDGE BARBAN: Why is this relevant?

MR. HENRY GOLDBERG: I think when we hear the conversation --

JUDGE BARBAN: Mr. Goldberg, a party to these proceedings has the right to process to get relevant evidence and a party to this proceeding has a right to tell others that he or she will use that process.

I do not consider that a threat unless you can convince me otherwise and I am upset that the matter is brought in.

It seems to me totally irrelevant and immaterial.

MR. HENRY GOLDBERG: Your Honor, I don't take exception to any of the facts you stated. I won't even attempt to take exception to those facts. I concur wholeheartedly, but at issue here is what effect and manner in which these gestures were given and what effect they had on these women.

JUDGE BARBAN: And you are bringing up material that occurred long after the witness quit.

Now, unless you can come up with some better reasons than I have heard I don't want any more of this kind of evidence.

MR. HENRY GOLDBERG: Your Honor, I am not going to make any issue of this. I am willing to withdraw.

JUDGE BARBAN: Let us go on.

Q If I can turn my attention now more specifically to when Mrs. Davis was still employed at the shop I would like to know if you made any other observations regarding

Mrs. Davis' relationship with her fellow employees?

A With the girls?

Q Yes.

A The rest of the girls?

Q Yes.

A No one wanted to bother with her.

Q Did they stay away from her because they were afraid for their jobs?

A No.

Q Why did they stay away?

JUDGE BARBAN: Again I would like to ask you, in answer to a question like that, I would like to know what they said, what they did and what you heard that -- how shall I say -- that convinced you as to their reason that they stayed away?

Do you understand?

THE WITNESS: Yes.

JUDGE BARBAN: It is very difficult, I know that in every day life some of us have opinions about what other people do and why they do it.

But I am under severe limitations, I have to know what you personally know if you understand what I'm saying.

THE WITNESS: Yes.

JUDGE BARBAN: Can you answer the question in that light, please?

THE WITNESS: Yes, a majority of the girls just didn't like Rose, decided just not to bother with her and we went along with it. We all did. That is the gist of it.

The girls -- we girls did not really -- because Rose caused so much trouble nd she caused tension and very lousy working conditions, very unhappy working conditions.

JUDGE BARBAN: This was over the union?

THE WITNESS: Over everything.

JUDGE BARBAN: The only thing I have heardso far is the union.

THE WITNESS: It started when we would not vote the union in. This is when it started and it got progressively worse.

JUDGE BARBAN: Go ahead, Mr. Goldberg.

MR. HENRY GOLDBERG: Can I have a moment, Your Honor?

JUDGE BARBAN: Surely.

Q Did you observe, Mrs. Rowe, any girls working at Rose's beach moving away of their own volition?

MR. DAVIS: Objection, leading.

JUDGE BARBAN: I didn't hear the question.

(Whereupon the last question was read by the Reporter.)

JUDGE BARBAN: What is the basis of your objection?

MR. DAVIS: It calls for an answer in a particular regard.

JUDGE BARBAN: All right, the objection is overruled.

THE WITNESS: Do I answer?

JUDGE BARBAN: Yes.

A Oh yes.

Q Can you tell me in your own words what you observed?

A Well, when sometimes the girls are not together for a long period of time but still you talk onci in awhile. Nobody wanted to talk to her because it was the same thing again, union, union, union.

So they just -- if they could they picked up and moved.

I couldn't single out -- I could single out a couple of girls but it just would have wound up in a verbal fight or disagreement at the table.

JUDGE BARBAN: Just a moment. The witness's statement "would have ended up in a verbal fight or disagreement" is stricken.

Again you are giving me your opinion. Go ahead.

Q Did you observe any verbal fights or disagreements at work benches between Mrs. Davis and any other employees?

A Fight or disagreement?

Q Fight?

A Yes.

Q Could you tell me about it in your own words? What you saw, not what you --

A At the table where I was sitting Rose was sitting, Evelyn Gavani -- I'm not sure of her last name, I believe Mari Vini was sitting.

Rose and I believe Evelyn and Maria got in a discussion over the union and Evelyn is against unions. Rose is for unions and they just sat and disagreed about it.

Q Hoe did the other girls react as you observed it?

A Annoyed over the whole thing. Like they would rather not have been sitting there.

Q Did any of them move away?

A Not that day, no.

MR. HENRY GOLDBERG: I have no further questions, thank you.

JUDGE BARBAN: We will resume at 5 o'clock.

(Short recess taken.)

JUDGE BARBAN: On the record.

Mr. Davis, cross-examination?

MR. DAVIS: Thank you.

CROSS EXAMINATION

Q (By Mr. Davis) Ms. Rowe, what was your relationship with Rose Davis before June 3, before the union began its drive?

A Friends.

Q Good friends?

A I think so.

Q Visited each other's houses at times?

A No, not really visited. Once I took two gerbils to her house. I was there for maybe ten minutes but that is the extent of that.

Q Were they a gift from you to her?

A Yes.

Q In the shop before the union came in what was Mrs. Davis' relationship with yourself?

A Friends.

Q And with other employees before the union came?

A Any specific employees or everyone?

Q Well, did she get along well with other employees before the union came?

MR. HENRY GOLDBERG: Objection.

JUDGE BARBAN: Overruled.

MR. HENRY GOLDBERG: Your Honor, can I give the ground?

JUDGE BARBAN: Pardon?

MR. HENRY GOLDBERG: I would like to give the ground.

What is trying to be shown here, the union caused enmity between the coworkers? What is the relevance here?

JUDGE BARBAN: After the witness has testified, if you still want to know the reasons for my ruling I will give them to you.

The objection is overruled.

The question was whether or not Mrs. Davis was friendly with the employees generally before the union dive began; is that your question?

MR. DAVIS: Get along well is the term I used.

A Yes.

Q Before the union drive began, after June 3rd the relationship with others deteriorated?

A Yes.

Q At the time that she left her job in November was there still continuous talk going on between herself and other employees?

A Between herself and me.

Q In the shop?

A No.

Q Between herself and other employees in the shop is what I'm concerned about.

A No.

Q Did she get into any arguments or discussions or disagreements with other employees at about the time she left the job in November, in the shop?

A Employees?

Q Employees, workers?

A No.

Q Do you recall when the last time was that she had an argument or disagreement or verbal discussion with a

to a certain degree with Mrs. Davis' testimony that the other employees tended to avoid her because they were concerned that they might suffer because of the association with Ms. Davis.

So I think it is relevant to the record and I overrule the objection.

Q Mrs. Rowe, why did you tell Mrs. Davis that? Why did you ask her to do that?

A Well, I knew that Rose had intentions of leaving. She told me this and I hoped to stay on because I'm happy and I felt that the girls there didn't care for Rose.

It is not nice to say but I didn't want them, not to like me because I knew she was leaving.

Q Some of those girls would include Mrs. Gionetti?

A Yes.

Q Who else?

A All of them.

Q You testified that the good majority of the girls decided not to bother with Rose. How did they do that?

A It was about -- I can't recall exactly when -- it was decided that -- well, that is not right.

I'd say Catherine, Evelyn, Maria -- oh, Margaret, Olive and it went on and on, just found Rose not likable and just decided not to bother with her.

Q Those employees that you mentioned were people who

had been there a long time at the shop; is that true?

A Some of them, yes.

MR. DAVID GOLDBERG: Your Honor, may I ask again in view of her testimony how this line of questioning could possibly get us anywhere except home?

JUDGE BARBAN: I didn't hear the last.

MR. DAVID GOLDBERG: Where this testimony gets us except home late.

She already testified --

JUDGE BARBAN: That may be true and it may delay the recess of the hearing or adjournment of the hearing but I don't think it is irrelevant.

Mr. Davis, you are about finished with this line?

MR. DAVIS: No, I am not, Judge, and I would like to say I have only been questioning about ten minutes and the respondent had lengthly --

JUDGE BARBAN: Let us not take too long with it. You told me you were not finished with the line. Let us get it along.

Q When did you receive your last wage increase from Caddell-Burns?

A November 20th.

Q Did you receive any before that?

A No.

Q Did you ask the Burns about wage increase for

talking to them, that is all.

MR. DAVIS: No further questions.

JUDGE BARBAN: Mrs. Rowe, just for my information here you gave some testimony concerning an incident in which Mrs. Davis said to another employee that she would slap her or something to that effect.

Do you know the incident I'm talking about?

THE WITNESS: Yes.

JUDGE BARBAN: Can you place that for me in time? Was that immediately after the union drive started, later or even still later? Can you remember when it happened?

A Soon after it started.

JUDGE BARBAN: I have only one other questions. With respect to these feelings of disagreement between Mrs. Davis and the employees that you observed, and I am trying to pinpoint in my own mind when these arguments occurred, did they occur shortly after the union came in or did they continue continuously during the whole time she was there?

In other words, was it worse, if I can use that term, at some time and better at some other time or was it the dame throughout?

A No, it was worse right after the beginning of the union man handing out pamphlets. It got worse in the

next month or so because at that time Loretta was there also and she had a lot of fights and arguments about it also.

It was very tense and very bad working conditions for a couple of months there.

The worse part was right around the beginning, towards June into July maybe.

JUDGE BARBAN: Then what happened?

THE WITNESS: More or less everybody took side and pro-union and against union and you tried not to bother with the other person.

JUDGE BARBAN: Were there any verbal arguments between Ms. Davis and the other employees after July that you witnessed?

THE WITNESS: Yes.

JUDGE BARBAN: Do you remember when?

THE WITNESS: Might have been in July or August. I couldn't tell exactly when, the exact month.

JUDGE BARBAN: Getting back to my first question then, did these arguments continue at the same level throughout or did they tend to get less as time went by?

THE WITNESS: They got less.

JUDGE BARBAN: Mr. Goldberg, anything on General Counsel's questions or the matters I brought up?

MR. HENRY GOLDBERG: Yes, I have juat a handful of

questions.

REDIRECT EXAMINATION

Q (By Mr. Henry Goldberg) When you say some period of time these arguments between Mrs. Davis and her coemployees were characterized as less than before, was there any time in which they did not exist at all?

A Yes.

Q As you observed it what was the major reason for this lessening, the fact that other employees stayed away from Mrs. Davis?

A Yes.

Q And was another reason the fact that she ate lunch away from the other employees?

A That --

Q And Mrs. Davis and other employees ate lunch separately?

A Yes.

Q Mr. Davis was asking you before about the last day when Rose left work.

You started to say that she had and correct me if I am wrong, I think you started to say and cut you off, that she had had an argument with a coemployee that day that wasn't about the union?

A It was not an argument.

Q Tell me about it.

CSA Reporting

A Well, Rose was very upset and it was lunch time and as she was leaving the building Catherine happened to walk past her, and --

Q Excuse me, is Catherine a coemployee?

A Yes, she is, Catherine, I don't know her last name, and she just started yelling at Catherine.

Q What did shesay?

A I could not remember word for work but that she better run to her car when she leaves or she would get her.

Q Did Mrs. Davis raise her voice when she said that?

A She wasn't screaming. She had her voice raised but she wasn't yelling.

Q Did any of the girls ask for wage increases during the fall of '74 during September, October, November that you saw of your own or on your own?

A Not that I saw.

Q Do you have any knowledge of such?

A As far as I know Rose told me that Maria Dias asked for a raise. I don't think she mentioned anyone else.

Q In the course of your employment can your schedule at Caddell-Burns be characterized as anything but part-time?

A No.

Q What would a full work week be considered, how many hours a week?

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

National Labor Relations Board

DOCKET NO. [illegible]

IN THE MATTER OF:

[illegible]

PLACE: [illegible]

DATE: March 21, 1975

PAGES: 413 - 527

District 1

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MR. GOLDBERG: I call as my next witness, your Honor, Mrs. Catherine Gianetti.

Whereupon,

CATHERINE GIANETTI

was called as a witness by and on behalf of the Respondent and, having been first duly sworn by Judge Bargan, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Goldberg) Would you please state your name, address and place of employment?

A Catherine Gianetti, 237 Persian Parkway, Mineola, and I work at Caddell-Burns.

Q In what capacity do you work at Caddell-Burns? What do you do there?

A I do just about everything, whatever has to be done I do.

Q Will you expand upon this in your own words?

A Well, I do winding.

I do assembly, I do soldering, tinning, anything. Dipping, Q-maxing.

Q Did you ever have occasion to do jobs such as soldering of any sort?

A Yes.

Q What type?

A Well, on the iron, on the pot.

Q Have you ever had occasion to do a job, a cleaning job?

A Yes.

Q Can you describe that job for purposes of identification?

A Yes, these are parts that are taken apart and as I understand it they can't be bought so we have to salvage parts, and we work a coil that goes into them and, of course, all this has to be cleaned up and made to look presentable.

They are soaked in a Toluol solution and you have to clean them off.

Q What does this job entail?

I wonder if you can describe how it is done?

A Well, there are many different kinds that we do. They are not all the same.

Some wires have to be taken off first and then on the iron and then you put them in the solution and all that has to be cleaned up because they are all full of Q-max to begin with from the old job and that all soaks off and it gets gummy.

Q I think that we might be interested in what you just said, part of the job of putting it in solution.

Can you tell me about that?

A Well, it soaks for a while and then as you take a

piece out at a time you have a brush or rag or whatever you think works best for you.

Q How is it put in?

A Just dumped in.

You mean the parts?

Q Yes.

A It is just dumped into this can or whatever, depending on the amount you have.

Q How are they taken out?

A Well, some girls prefer to use their hands, some use tongs.

We always have something around that you can pick them up with.

Q Have you ever had any injury to your hand occurring from --

A No, outside of being dirty, no.

Q Which method do you use?

A Well, I use my hands because I work better with my hands.

Q How far do your hands have to go into the solution?

A Oh, if it is deep I use something.

If they are mounted up on top, pick the top one off and when you get down to the bottom you have to pick it up with a prong or something that you have to pick them up with.

things that we use the ovens for.

I go back and forth and everybody goes back and forth in the garage from time to time.

Q I'm talking about working there?

A Working there, yes.

There were girls that worked there at the same time.

Q I'm talking about Mrs. Davis, just while you were working there, either during this week's period --

JUDGE BARBAN: Would you rephrase that question? I'm not sure I understand it.

Q (By Mr. Goldberg) During occasions while you were working in the garage was Mrs. Davis working on a project there?

A No.

Q You mentioned before that you did soldering?

A Yes.

Q Both hand and --

A Tinning pot, right.

Q Where did you do these jobs?

A Near my bench in the back where the tinning pot is located.

Q Is there more than one tinning pot?

A Yes.

Q First where are they located?

A Well, one is to the back.

That is the one most frequently used, and then there is one in the middle of the shop.

Q Do you have any reason to know why the one in the back is more frequently used?

A Well, it is a heavier duty pot, I imagine, and it is a little hotter than the others and for the wire -- depending on the job that has to be done and the size wire.

Q Did you have occasion to work on both of those?

A Yes.

Q During the period I outlined before, once again, June '74 to November '74, did you have occasion to work on the rear or tinning soldering pot?

A Yes.

Q Can you tell me about the amount of time you spent there?

A Well, that too you can't specify amount of time because it depends on the job.

Sometimes you get an order for a 100 pieces, another time it may be for a 1,000, 5,000.

That too depends on how many pieces you get to work with and you have to finish them.

Q Let me see if you can give us a general idea.

Any way you can describe, was it once a week, once a month, once a day, once an hour whenever --

MR. DAVIS: Objection.

JUDGE BARBAN: The question has gotten so attenuated now that it is difficult, Mr. Goldberg, to follow it.

You first a long time ago started off with a particular period and --

MR. GOLDBERG: I am still in that period, your Honor.

JUDGE BARBAN: But I don't think the witness understands that.

Not based on her last answer.

MR. GOLDBERG: Let me try again.

Q (By Mr. Goldberg) During the period of June, '74 to November, '74 can you tell us in your own words with what frequency you worked at the rear tinning or soldering pot?

A Well, that is pretty hard to tell.

That depends on what kind of work I'm given.

Q What kind of work were you given?

JUDGE BARBAN: The problem is, Mrs. Gianetti, he is asking you to remember specific occasions during that period.

THE WITNESS: That I had worked?

JUDGE BARBAN: That you worked there if you did.

THE WITNESS: Well, I worked on that pot at the time that -- I didn't work at the pot, I was in that area

when Mrs. Davis had worked on the pot.

I mean, I'm in that vicinity there.

That is where I usually do all my work.

I have -- if I wind there I wind also -- what I wind I tin and I finish the whole job.

Q Where?

A In the back.

Q Where do you wind?

A In the back of the shop.

Q Then you go over --

A And to the tinning pot and I do my tinning.

Q What if someone else is using the pot at the time?

A Well, if I'm in no hurry I wait or I go to the other pot.

Q Are there any other jobs which you consider less desirable at Caddell-Burns of those you mentioned?

A No.

I have done everyone of them.

I have worked there for 20 years so I think I have tried just about every job and I have done every job that there is.

Q Specifically now during the summer months of 1974, June, July or August, did you have occasion to work at the rear tinning or soldering pot on those occasions during this period of time?

A Yes.

MR. DAVIS: Objection, your Honor, asked and answered.

MR. GOLDBERG: I am zeroing in on a more specific area.

MR. DAVIS: I don't think so.

MR. GOLDBERG: First it was into November and now let me get to the summer months.

JUDGE BARBAN: Let us not argue about it.

I will overrule the objection.

A Yes.

Q Yes what?

A What was the question?

Q That is what I thought.

During the summer months specifically of 1974, did you have occasion to work at the rear tinning or soldering pot?

A Yes.

MR. DAVIS: I have to take objection to this.

The first line of questions were from the period June to November which would encompass that period of time which he is now talking about.

He didn't get favorable answers to this first series of questions, he is leading the witness to a particular area, June or July.

what he means.

I mean --

JUDGE BARBAN: Mrs. Gianetti, if I may explain the problem this way, when he asks you whether you did a certain thing in three specific months, and the question is do you remember specifically in your own mind doing that thing in those three months and presumably if you do remember doing that thing you would remember approximately when and you remember approximately I would assume you did.

To give you some other assistance up to this point you have generally, if I may recapitulate you said if I'm right, that when there were a lot of things you had to do you did a lot of things and when there were a few things to do you did a few things.

THE WITNESS: That is what he means is the --

JUDGE BARBAN: I don't know what he means.

THE WITNESS: Well, I did tinning of --

JUDGE BARBAN: The question of you was what jobs did you do if you remember at the back side soldering pot in the summer months of 1974.

THE WITNESS: Right.

I did the tinning of the chokes, of the 6310s, I did that on the back pot.

Q While doing this job during that period of time

at the rear soldering pot can you describe in your own words if there was anything unique about doing the job during that time of the year?

A Well, there was the summer months if that is what you mean and it gets hot.

Q Were you able to complete the job?

A Yes, I completed the job.

Q How discomforting did you observe the job to be?

A Well, it is hot but it is not unbearable.

Q Did you complain about it?

A No, I didn't complain about it but there is one thing, if you do complain I'm pretty sure that they would take whoever complained off it if they weren't able to do it.

Q Did you ever have any occasion to see that happen?

A Yes, I have.

Q Can you tell me about it?

A Yes.

Well, Evelyn --

Q Evelyn who?

A Gavani -- well, she has psoriasis and it aggravates her condition.

She has it over her hands and holding it over the pot, you know, just make it like raw meat, so she told Vinnie that she couldn't do it and he took her off it.

If a girl -- we had another girl that worked there too, Gussie Byers, and she couldn't because it was too hot.

Well, she is quite elderly and she was taken off it too.

Q Did you ever have occasion to see anyone else complain about that job?

A No.

Q You stated that you have been employed with Caddell-Burns for some period of time.

Does that time include June of 1974?

A Yes.

Q While working there in June, 1974, did you observe a Union organization drive?

A Yes, I did.

Q What might be characterized as such?

A Yes, I did.

Q I wonder in your own words, starting from the beginning of said drive as far as you feel it necessary, describe -- that is a bit too broad, I will withdraw that.

When did you first become aware of that?

A The morning we drove up, I came in to work.

Q Who is we?

A I take two girls to work with me, Olive and Marie Vini and we pulled up and these men were outside.

They handed up the pamphlets.

MR. DAVIS: Can we get a date on this, your Honor?

THE WITNESS: I don't know the date.

Q (By Mr. Goldberg) Do you know the date of that?

Do you know the date of that occasion?

A No, I don't know.

t2 Q What happened then?

Go through this day as best you can.

A Well, they handed us the papers and we walked inside the shop and evidently the girls inside had already gotten the papers.

They were discussing it, so I just went and hung up my coat and washed my hands and that was it.

I mean, I looked at it and just put it down.

Q Was there any discussion during the day?

A No, I didn't observe any discussion or hear of any.

Q What happened the next day?

A I think the men were there again the next day.

I think they were there.

Q What happened that day?

Did you go into the shop and get another leaflet, the same procedure?

A No, no, they didn't hand any more leaflets.

Q When you went to the shop what was happening among the girls, if anything?

A Well, some of them were talking amongst themselves.

Some were for it and some weren't.

Q How long did these discussions go on?

A Well, I don't know because when we got in to work it's almost time to start working and everybody goes to their own benches and the only time I imagine they could talk would be their lunch period which women usually do.

Q How would you characterize from your own observations and in your own words what relationship was among the employees prior to June of 1974?

A Well, everybody was real friendly.

It is one thing about the shop, all the girls, they get along real well.

There was no problem.

Everybody was willing to help one another and the same thing with Mr. Burns and his two sons.

They always did help out anybody that needed help.

I know that Rose Davis at one time, she had called into the shop and her son was sick and they asked her to come pick him up.

She was going to leave right then and Tommy Burns, he volunteered and he drove her into Hempstead to the school to pick up her son.

Q I wonder if you can tell me anything else about

the relationship among the girls?

A Girls?

Q Did you eat lunch together?

A Yes, yes.

Q Where was it eaten?

A On one of the tables.

They would find a table that was fairly empty and clean one off and eat lunch there.

Q Did the girls bring in their lunch?

A No, we brought in our lunch most of the time.

Q Did Mrs. Davis eat lunch with the girls at that time?

A Yes, she did.

Q Now, in the period from the Union organization drive and thereafter were there any changes that you observed in this relationship among the employees?

A Well, everybody was afraid to talk amongst -- they didn't know who was going to say what to whom and it got so that it was just -- I don't know, I don't know how to say it.

They were afraid they were going to be drawn into something they didn't want.

Q Moving on in time now did you observe any discussions among the girls in regard to Union?

A When was this? The same time?

Q Anything you observed from the time of the first notice of the Union and thereafter?

JUDGE BARBAN: When you use the word observe you mean that this witness heard?

MR. GOLDBERG: Any sense, you saw or heard or smelled or discussion.

JUDGE BARBAN: No, no, you asked her whether she observed conversations.

MR. GOLDBERG: I see the problem, okay.

JUDGE BARBAN: I want to know if she saw them or did she hear them.

MR. GOLDBERG: Yes, thank you.

Q (By Mr. Goldberg) Did you ever see or hear the girls discussing the Union?

A I don't know what you mean.

Q Were you in favor of the Union?

A I didn't care one way or the other because I had nothing to lose.

Q Were you offered a Union organization card?

A Yes, I was.

Q Did you sign it?

A No, I didn't.

I figured I'd see what the girls were going to do and that is the way it was left.

Q Did you have any discussions with your co-workers

regarding signing organization cards?

A No.

Q Did the relationship with Mrs. Rose Davis in regard to the other girls change after June or during June, 1974?

A Yes, it did.

Q Can you tell me about that?

A Well, they were kind of scared of her after a while because she threatened them.

MR. DAVIS: Objected to, your Honor.

I move to strike unless we get what was actually said.

JUDGE BARBAN: Mrs. Gianetti, my problem here is that I can only take what you yourself saw and heard, not what others --

THE WITNESS: That I was threatened?

JUDGE BARBAN: No, no, what you yourself saw or heard and not what somebody else told you.

THE WITNESS: No, I did see this myself.

JUDGE BARBAN: I don't know that from the way you testify, so go ahead, please.

THE WITNESS: Yes.

For one, she would come in in the mornings and she would talk to the girls, like Charlotte had signed and another girl and she told them that they were going to be

in big trouble because they signed and they don't want to go through with it.

And she told them that there were going to be Union representatives outside waiting for them and we have one little Italian girl there who doesn't understand too well and she was really petrified.

They told her that she would have to --

Q Who is they?

A Well, Rose Davis, she did all the talking.

She would come up to the table and raise her fist at them and tell them they are going to go -- men are going to be outside to pick them up and she believed this.

Of course we tried to tell her that it wasn't so because this isn't done in this country but being a foreigner I guess she was scared.

She didn't know what was coming.

Then I might have been threatened by Rose Davis.

JUDGE BARBAN: You have to tell me what was said and what you said.

THE WITNESS: What was said?

JUDGE BARBAN: What was said to you and what you said.

THE WITNESS: Well, the first time I was sitting in the back and Tom Burns was sitting across from me on my bench and she come up out of the clear blue sky and she

said she was going to -- she'd take care of me outside and I was taken by surprise.

I didn't know what to say so I didn't say anything and she continued and she said that I was telling the girls not to join the Union and everything else, she says "But I can take care of you outside any day," and she stood with her hands on her hips and Tom said "This is neither the time or the place for this, Rose, go sit down," and that was it.

Then after that incident, about 10 minutes later I think Charlotte came up to me and she apologized for Rose Davis because she said it was their fault that I had to take all the abuse from them.

And another time a couple of weeks later I was walking to the front and she was walking behind me and she says -- she invited me out into the alley again and said "I can take care of you," she said and "I can run faster than your car any day," if that means anything.

Q Anything else?

A These were the two incidents that --

Q Did you ever see Rose Davis threaten any other girls besides Charlotte and this female employee of Italian heritage and yourself?

A Yes, one more girl, Olive.

I don't know how to say her last name, it starts

with a "Q".

She called it Olive Xiques if this means anything.

But at the lunch table she had threatened to slap Olive in the face if she didn't stop talking about it.

She had the impression that every time somebody laughed and said something that they were talking against her.

Q Just a few more questions.

You stated before that Mrs. Davis ate inside with the other girls prior to June?

A Right.

Q Did that practice continue after June?

A No, it did not.

Q What happened?

Tell me about it, please.

A Well, the girls were afraid of her.

They stopped talking to her and she took to going outside and eating her lunch and she took a chair from out in the shop and sat out in the driveway and ate her lunch there.

Q Who did she eat with?

A Alone.

Q When you say the girls were afraid of her what do you mean by that?

A Well, if somebody threatened somebody and --

JUDGE BARBAN: No, the point is how do you know that?

THE WITNESS: The girls told me.

JUDGE BARBAN: Is that what you were trying to find out before?

THE WITNESS: They told me themselves that they were afraid of her because she had admitted to them that she had a violent temper and I guess I would be afraid too, which I am.

She also had taken to --

JUDGE BARBAN: Just a moment.

THE WITNESS: No, I can't say anything?

Q (By Mr. Goldberg) Is this an answer to the question?

A Yes.

JUDGE BARBAN: You can only answer questions.

Is this an answer?

THE WITNESS: To a question.

As far as the other girls like they walked down the aisle and she sort of kind of bumped them and they didn't think it was accidental.

Q (By Mr. Goldberg) What do you mean by bumped?

A You know, like when you pass somebody, you more or less pull aside.

She bumped them with her elbow.

Q Who?

A Well, anybody who would be passing alongside her.

Q Did that happen to you?

A Yes, it happened to Olive too.

Q In the conversation between yourself and the other girls which you just alluded to regarding they being afraid of her, you mentioned that they were in physical fear of her?

A Yes.

Q Did anyone ever say to you --

MR. DAVIS: Objection, your Honor, this is leading.

MR. GOLDBERG: Your Honor, this is a very important issue.

MR. DAVIS: I'm sure it is.

JUDGE BARBAN: If it is important --

MR. GOLDBERG: Why don't you hear the question?

JUDGE BARBAN: If it is important than I have to assume it is important that the witness not be led.

Is there any way you can ask the question so that the witness or so that the answer will not be suggested to the witness?

MR. GOLDBERG: Do you want to discuss this off the record?

JUDGE BARBAN: All right, off the record.

(Discussion off the record.)

JUDGE BARBAN: On the record.

The record may show that as a result of discussion off the record with the witness out of the room Respondent's Counsel says that he has decided that he does not need to pursue this point; is that right?

MR. GOLDBERG: Yes, thank you.

Q (By Mr. Goldberg) Did you ever observe Mrs. Davis raising her voice to any other co-employees?

A Yes.

Q Can you tell me about that?

A Well, this is in regards to I think Charlotte and Josephine Itri.

This had all to do with the Union, the cards and stuff that they had filled out.

Q Tell me what happened, what was said, what you heard yourself?

A Well, Charlotte decided and Josephine, girls didn't want to go along with the Union.

They had signed cards and sent them in.

So I don't know how Charlotte got to it but she had a paper notarized and Josephine and her had signed it and they sent it in to the Union saying that they didn't want any part.

When Rose heard that she went all up in the air about it and said that that wasn't right, that they were

going to get in trouble, it didn't sound right and the Notary Public was going to get in trouble that had notarized the paper, so that was it.

That was --

Q Did she use the word trouble?

A Yes, she said they would be in big trouble I think, would have to go to Court and everything.

Q Did she describe the word trouble?

A No.

Q Did you ever hear Mrs. Davis use profanity to another employee?

A No.

Q Did you at any time ever hear any of your employers stated that they were withholding a wage increase?

A No.

Q Did you hear at any time any of your employers state that Union activity was affecting their managerial decisions?

A No.

Q From your own observations in the shop as you worked there between June and November, 1974 in all honesty, to borrow a phrase, do you have any reason to think that Mrs. Davis was treated in any way different than any other employee?

MR. DAVIS: Objection, your Honor.

JUDGE BARBAN: Sustained.

Q (By Mr. Goldberg) Between June and November, 1974 while you were working in the rear of the shop did you observe Mrs. Davis spending a disproportionate amount of time there?

MR. DAVIS: Objection.

MR. GOLDBERG: This witness is competent to answer that question.

She worked there for quite some time.

She knows how long jobs take and how often girls' rotate.

JUDGE BARBAN: You have a legitimate point. I am concerned with the question.

MR. GOLDBERG: I will withdraw it if you are concerned with it.

I want it to be valuable evidence so I will rephrase it.

JUDGE BARBAN: I would prefer to have the witness tell us in her own words.

I can't interpret disproportionate.

Q (By Mr. Goldberg) Of your own observations did any girl spend more time on the solder pot in the rear of the shop than Rose Davis during, between June '74 and November '74?

MR. DAVIS: Objected to.

JUDGE BARBAN: What is your point, Mr. Davis?

MR. DAVIS: I think it is leading.

We have already received facts concerning these matters.

JUDGE BARBAN: All right, I am going to overrule that on that basis.

You understand the question or do you want me to have the Reporter read it?

THE WITNESS: Would you read it please?

JUDGE BARBAN: Read it, please.

(The pending question read by the Reporter.)

A Yes.

Q Who are they?

A Well, Olive for one and I think Charlotte spent quite a bit of time on the pots.

JUDGE BARBAN: The question was from your observation did you see either of these two girls spend more time on the pot in those particular months.

THE WITNESS: Than Rose Davis did?

JUDGE BARBAN: Yes.

THE WITNESS: I would say it would be about equal time if not more.

JUDGE BARBAN: Go ahead, Mr. Goldberg.

Q (By Mr. Goldberg) And in regard to the garage did you personally observe any other employees spending

Did she say that to you?

A She didn't say anything to me.

Q Did you hear that said to any other employees?

A I don't recall.

Q You said that Rose Davis invited you outside; is that true?

A Yes.

Q What did she say at that time?

A Well, which one?

Q Tell us the first time that that occurred.

A Well, she came up to me and said that she would meet me outside in the alleyway.

Q Do you remember when that was?

A I don't remember. I know it was warm out. I know it was hot.

Q Summer months?

A Probably.

Q Did she say anything else at that time?

A Yes, she did.

Q What did she say?

A Do you want me to say it?

Q Tell us whatever she said.

MR. GOLDBERG: Answer the question.

A Well, when she came up to me first she said who did I think I am saying that I was going to kick her,

meaning Rose Davis ass out of this place, then she preceded to say something else.

Q What did she say at that time?

A She said to me "Because you sleep with his father," she said that, this was the way she left it, because "You sleep with his father you think you can get away with anything."

Q Then she invited you outside, is that true?

A Yes.

t3 Q Did you tell the Burnses, the Employers?

A I didn't have to tell them.

Tommy was right there and I'm pretty sure he told his father.

Q You testified that you were afraid of Rose Davis; is that correct?

A Yes, I was.

Q Did you tell the Burnses that you were afraid of her?

A No.

Q Did they know that by any means you were afraid of her?

A No.

Q Do you know whether or not the Burnses knew whether any other employees were afraid of Mrs. Davis?

A Yes.

Q How do you know that?

A They told me.

Q Who told you?

A Josephine Itri, Charlotte was afraid of her and so was Olive.

Q They told you that they were afraid of Rose Davis?

A Yes.

Q My question is whether or not the Burnses knew that these other employees were afraid of Rose Davis; do you have any knowledge of that?

A I don't know.

Q You testified that Rose Davis said that other employees would get in trouble if they didn't go along with the Union; is that true?

A I didn't say others, I just specified Charlotte and Josephine.

Q You heard that?

A Yes.

Q Did you tell the Burnses what she had said?

A No.

Q At any time did you suggest to the Burnses that they discharge Mrs. Davis for these reasons?

A No.

Q Isn't it true that you heard Mrs. Davis tell the Burnses that she was the one who brought in the Union?

you did not?

THE WITNESS: Yes.

JUDGE BARBAN: Mr. Goldberg, any questions on this one point that I have just discussed?

MR. GOLDBERG: No.

JUDGE BARBAN: Mr. Davis?

MR. DAVIS: No.

JUDGE BARBAN: Any further questions of this witness?

MR. DAVIS: None for me.

MR. GOLDBERG: None for me, your Honor.

JUDGE BARBAN: You are excused. Thank you very much.

We will be in recess for exactly five minutes.

(Short recess was taken.)

JUDGE BARBAN: On the record.

Mr. Goldberg, anything further?

MR. GOLDBERG: Yes, I have one more witness, your Honor.

She should be my last. Mrs. Charlotte Dippel, please.

Whereupon,

CHARLOTTE DIPPEL

was called as a witness by and on behalf of the Respondent and, having been first duly sworn by Judge Barban, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Goldberg) Would you please state your name and address and place of employment for the record?

A Charlotte Dippel, 200 Broad Street, Williston Park, Caddell-Burns, Mineola.

Q Mrs. Dippel, in what capacity did you work at Caddell-Burns?

A I guess an assembler mainly.

Q In the course of serving in that capacity what jobs do you do?

A Well, Tommy gives me my jobs and it is varied.

MR. DAVIS: I'm sorry, I couldn't hear what you said.

It is very --

MR. GOLDBERG: Varied.

THE WITNESS: Varied.

I don't do one specific job.

Q Can you tell me the jobs that you do do?

A I put little bushings together that have to be epoxied.

I print tubing, plastic tubing and fiberglass tubing and tin.

Q What is tinning?

A Tinning in the pot.

Q What pot?

A The back pot or the center solder pot and on the iron.

Cleaning also.

Q What does that entail?

A In the acidtone or the Tolvol.

Q Is that it?

A Well, whatever they need, more or less printing, testing.

I do also testing and what do you call -- I don't know what you would call the testing, when you pull the wire off the bobbin to get the right reading and then fit the shell on.

Q Of those jobs that you just stated you did I'm interested in knowing a little bit more about what you call timming.

A Yes.

Q And what you call cleaning.

I wonder if you can tell me about timming, where it is done, how you do it, et cetera?

A Well, usually it comes like a large order.

I do it on the back pot because it goes quicker.

Solder is hotter and you can do it faster.

But, of course, it depends on the order too and, of course, I'm a little slow at it but I finally have gotten it down, I think.

Q If you can remember between the months of June, 1974 and November of 1974 did you have occasion to do that same job?

A Yes, yes, and especially the coils that have the heavier wire, you do on that back pot because it melts the coating on it better.

Q During that period of time how frequently did you do that job?

A It is hard to say because when you finish one job like -- you do -- you get something else next time.

It is varied.

I mean, whatever comes up, whoever is free will do it and if I was free I would do it.

Q Once a day, once a week, once a month?

A Well, it depends on the job.

If it was a large order it would take me two days.

I have been on the pot for three days and it was hot that one time that the pot was up there and I was back here (indicating), enough to see to keep away from the heat, and I also used a clamp, because I have sensitive finger tips or fingers and I couldn't hold the lead in.

I use that little clamp they have.

JUDGE BARBAN: I would like the record to show that just immediately previous the witness made a motion as if attempting to avoid a hot object while reaching her hand

as far as she could over towards it.

That may be an imperfect picture but it will remind me what I saw.

THE WITNESS: Well, the pot outside so with the pot hot I find it easier working away from it.

JUDGE BARBAN: Go ahead, Mr. Goldberg.

Q (By Mr. Goldberg) You mentioned this one time when you worked on the soldering pot in the rear.

Was it two or three days?

A Yes.

Q You said it was hot outside.

Do you remember when it was more specifically?

A It was during the summer months.

Q Do you remember which month?

A Not really, no.

Q Did you complain about the fact that it was hot?

A No, no.

I tried to sit back from it and --

Q Did you observe during this period of time, June to November, '74 any other girls working on the rear solder pot?

A Yes, I know Rose was on it.

Q Rose who?

A Rose Davis, and I even think Mary was on it for a while.

A No.

Q Did you ever see her complain to the Employer about working there?

A Not really, no.

Q Turning to the other job you mentioned before, cleaning, is that what you call it?

A Yes.

Q Can you tell me a little bit about that job?

A Well, these were ceramic shells or tubing or whatever you want to call them and there had been on those and they wanted them cleaned and I cleaned them with the acidtone I think that day and what else?

Q Well, is this the job that you use that solution that you mentioned before which begins with a "T"?

A Yes, and the others whichever would get it off the easiest.

Q How do you know apply it to it?

A You leave it soak in something and try to get it soft and then you clean it off with a brush.

Q How do you take it out of the solution?

A Well, with plyers or your fingers whichever you find more convenient.

Q Did you ever have occasion to suffer injury to your hands from this job?

A No, no.

Q Did you ever complain about doing this job?

A No.

Q To a co-worker or an Employer?

A No.

Q Did you ever have occasion to have to reach into the solution up to your elbow?

A No.

Q Up to mid-arm?

A No.

Q I think you stated you were employed during June of '74?

A Yes.

Q Were you aware of a Union organization drive at that time?

A Yes.

Q Did you play any role in that organization drive?

A Yes.

Q Can you tell me about that?

A I joined -- I didn't join the Union, I signed the card to join the Union and --

Q How did you come about to sign the card?

A Rose asked me if I had brought my card in from the day before when we got the booklet and the card and I said no, that I was going to mail it in and she said no,

they wanted it right away and I said "What is your hurry?"

And she said they had to have some kind of a date, they had to have them in.

I didn't know what date so she gave me a card.

Went in the ladies room, filled it out and gave it to Loretta and then Loretta looked at it and I did it in such a hurry that I even forgot to sign my name to it, that I had to sign my name when Loretta took it out.

Then I think it was about a week or I told Rose that I changed my mind and I didn't think that they were going to make it and I felt that it was a useless cause.

Then Rose said I should call the Union, but I went home and I thought it over and says why should I call?

I have nothing in my hand to prove that I notified them that I didn't want to join the Union and I don't now how these things work.

So I wanted something in black and white to prove that I wanted out and then two other girls said they wanted to get out too.

But my sister set up a letter.

Q What letter?

A A letter I sent to the Union to try to get out and resign.

My daughter typed it and I signed it and had it

notarized and Josephine and Maria underneath and sent it in and I had it registered to make sure I had something in my hand to prove that it went out and I felt I hadn't even paid dues or anything yet, that I really didn't belong.

But sometimes like once you sign that card it is hard to get out so I just don't know.

So that is how I got involved with the Union more or less.

Q Did you have any reason to know that Rose Davis became aware of this letter?

A Yes, she approached me and after with it and I couldn't understand how come she had a copy of it.

I didn't understand that at all because everything was supposed to be quite -- nobody was supposed to know what was going on and yet everybody seemed to know who had signed a card, who hadn't signed a card and I don't understand why Rose had the letter.

She said it was illegal, first of all, because it started "We workers Caddell-Burns" and I just -- my sister thought being it was the three of us it would have been we, you know, making it three.

Q Did you discuss it with her at that time?

A No, I just said to her, I said yes, I wrote the letter and I had it notarized to prove that I wanted out

and she said I could get into a lot of trouble, that it wasn't legal with the we in the beginning of it.

Q Did she threaten you in any way?

A That we'd have to go to Court and I says well, I don't know why.

I felt -- I didn't feel that I joined it because I hadn't paid anything to the Union, why would I have to go to Court about it?

Q What Court?

You mean the Labor Board?

A I don't know what Court.

I mean, I was so shook at that time I didn't know any more.

Q Why were you shook?

A Well, I don't know, I got upset.

Q Did you ever have occasion to say that you were sick to your stomach in this regard?

MR. DAVIS: Objection, your Honor, leading.

MR. GOLDBERG: Your Honor, this has been testimony given by another party.

I want specifically to direct the witness' attention to this.

JUDGE BARBAN: Who said that?

MR. GOLDBERG: Mrs. Davis.

JUDGE BARBAN: Objection overruled.

A That I got sick to my stomach?

Q Yes.

A Well, I was upset and it gets me in my gut here. I don't feel -- I really actually felt nauseous, I felt tight.

Q Why in your own words?

Can you describe why you were upset?

JUDGE BARBAN: What are we getting into here?

I thought you were asking this witness the prior question for purposes of contradicting Mrs. Davis?

MR. GOLDBERG: Yes, Mrs. Davis said that this witness was upset because she was so afraid for her job that she was sick to her stomach.

JUDGE BARBAN: I will take whatever this witness said to Mrs. Davis or to anybody else, but in probing into this thing and having the witness try to remember what her emotional feelings unexpressed were this far back doesn't appeal to me.

MR. GOLDBERG: That is fine, your Honor, thank you.

Q (By Mr. Goldberg) Was anything else discussed between you and Mrs. Davis regarding this letter?

A Just about -- no, really that I could get into trouble and would have to go to Court and I felt I didn't see why.

JUDGE BARBAN: What did you say to her, if you

if you remember?

THE WITNESS: I said well, I sent the letter now and this is just how it has to be.

It will have to be that way and I had said to her in the beginning, she took the card like that, I didn't even give the people a card.

I have never spoken to the Union representatives.

I said can't they just tear it up?

I mean it was what?

Within a few days?

Q What did she say?

A No, they can't do that thing.

I'm not sure of that.

Q Did Mrs. Davis ever use profanity to you or raise her voice to you?

A She just got mad but not profanity, no.

Q Well, how do you know she was mad?

A With her actions when she walked away and, you know, you could see.

Q You have to tell me what happened, what was said, if you can remember?

A Well, I don't know.

It was more or less with the letter that upset her or she just couldn't seem to understand that someone could have written this without having any affiliation

Q Of your own observations and familiarity with the shop how would you describe the relationship among the girls prior to June, 1974?

A Very congenial and very -- we got along.

More or less we sat at the two tables together and then there was another table where Catherine and three other girls sat, but we were like stayed next to each other, but there were what, I think six or seven of us at one table, and three or four at the other.

Q When you were working?

A No, when we were eating lunch time and as far as that went.

But then, after this --

Q After what?

A After the Union Rose pulled to the back table where she stayed a while and then she went outside, started eating outside.

Q Who did she eat with?

A Outside?

Q Yes.

A No one, she sat by herself.

Q Well, did the girls speak with Rose when she was outside?

A No, no.

Q Did you notice any change in the relationship of

the girls towards Mrs. Rose Davis, aside from the eating habits?

A Well, we all more or less steered clear of her. We felt --

Q Well, speak for yourself.

A Well, that is what I meant.

Q You can speak of your own feelings and what you observed as to the other girls.

A I thought it was better not to talk to her any more because it wasn't getting anywhere and she was -- I don't know, just didn't talk to her then any more.

As far as I was concerned it was getting so out of whack that it was uncomfortable working really.

Q Why?

A Because of this whole Union thing and she wouldn't let it drop and that is how I felt.

Q Did you ever have conversations with any other girls as to how they felt about Mrs. Davis during this period after the Union drive?

MR. DAVIS: Objection, your Honor.

JUDGE BARBAN: All right, sustained.

MR. GOLDBERG: I have no argument with that.

JUDGE BARBAN: Go ahead.

Q (By Mr. Goldberg) You stated you stayed clear of Mrs. Davis after that fact and you described lunch

A The last time?

Q The last time?

A I think November 20th.

Q Did you receive a raise before then?

A No.

Q Did you ask about a raise?

A No.

Q Did you ever come in late for work?

A No.

Q Were you frightened of Rose Davis?

A Once or twice when she was going, you know, when she was very upset.

Q When was this?

A Like when she said that -- what was it now? About -- we were going to go to Court and maybe wind up in jail and, of course, I took it with a grain of salt but you do get, you know, worried about it.

Q Was it about the time you sent the letter or thereabouts?

A That I don't remember.

Q You don't remember when?

A No, no.

MR. DAVIS: I offer General Counsel's Exhibit 9.

JUDGE BARBAN: Any objection?

MR. GOLDBERG: Why are you offering this letter?

JUDGE BARBAN: Off the record.

(Discussion off the record.)

JUDGE BARBAN: On the record.

Call your witness, Mr. Davis.

MR. DAVIS: Rose Davis.

Whereupon,

ROSE DAVIS

was called as a witness by and on behalf of the General Counsel and, having been previously sworn, was examined further and testified as follows:

JUDGE BARBAN: Mrs. Davis, I just want you to understand that you continue to testify under oath.

THE WITNESS: Yes.

DIRECT EXAMINATION

Q (By Mr. Davis) Mrs. Davis, could you tell us whether or not you asked the Union to negotiate for your leaving your employment at Caddell-Burns at any time?

A No.

Q Did you ever authorize Leo Garber or the Union of which he is an official to speak to the Company about having you leave your employment?

A Never.

Q Did anyone from the Union ever tell you that they would do such?

A No.

Q Why did you leave your job at Caddell-Burns?

A Because of the harassment. I just couldn't take the pressure any more.

I was losing weight and I had to leave.

Q What harassment?

A The harassment from Tom Burns.

Q Was there any other reason that you left?

A Yes, and obscene calls that -- after November 9th.

MR. GOLDBERG: Objection.

MR. DAVIS: I withdraw that question, your Honor.

JUDGE BARBAN: Mr. Davis, I'm not going to strike it but at the same time I want it understood by all parties that in the absence of any connection I do not consider that the Company is in any way implicated.

Are you contending otherwise, Mr. Davis?

MR. DAVIS: No, sir.

Q (By Mr. Davis) Mrs. Davis, did you leave your job because of anything having to do with fellow employees at Caddell-Burns?

A Certainly not.

Q Did you feel intimidated or harassed by your employees?

A By my Employers.

Q Employees, fellow workers?

A No. I felt sorry for them.

Q You mentioned something about Mary Rowe.

A She was at the table, they were all at the table.

Q Did she say anything to you?

A No, but I got mad and I told the people that I did this not for my behalf but for their behalf.

They promised to stand behind me but as soon as trouble started they all stuck their heads in the ground and I told them what I thought of them.

I told them --

Q Did you say anything to Mary Rowe?

A Yes, and all the others that were there.

I told them that they were puppets on a string and they weren't able to think for themselves and as long as they are not able to think for themselves they are going to be little people and I walked away and I passed Vincent Burns and I told him I don't know what is wrong with these people.

Q Was that what you were referring to concerning an apology to Mary Rowe?

A Yes, then I came back because I had no right to tell them.

If they couldn't think for themselves that was their problem.

I just tried to help them.

Q You testified about your apology to Mary Rowe?

in the Union and the fact she didn't maintain a position of leadership in the shop.

JUDGE BARBAN: Does the record show the date of that settlement agreement?

MR. GOLDBERG: I have a copy of the settlement agreement here, your Honor.

If you want me to enter it in evidence --

JUDGE BARBAN: It is a little late for that.

MR. DAVIS: Thomas Burns, Judge, testified --

MR. GOLDBERG: I think the 17th --

MR. DAVIS: Pursuant to a leading question by Counsel that settlement took place on October 17th which is accurate.

JUDGE BARBAN: All right.

MR. GOLDBERG: I take exception to your characterization, Counsel.

JUDGE BARBAN: The only thing I'm interested in is the date.

I'm not interested in an argument.

MR. GOLDBERG: Your Honor, I am looking at a copy of the settlement agreement itself and it was signed and dated October 17, 1974, Region 29, National Labor Relations Board.

JUDGE BARBAN: Do you two gentlemen happen to know the date that Mrs. Blandon was terminated?

MR. GOLDBERG: In June, early June.

MRS. DAVIS: June 4th.

MR. GOLDBERG: The first week --

MR. DAVIS: June 4th, 1974.

JUDGE BARBAN: I am going to accept that date unless somebody comes up with a better one.

It corresponds roughly to what you are talking about.

I'm sorry to interrupt you.

Go on with your argument.

t5 MR. GOLDBERG: Well, if I can attempt to pick up what I was saying, your Honor, there is evidence, unrebutted evidence, that by a number of sources that Mrs. Davis wanted to go back to the shop, that the Union told Counsel for the Employer that this was the case, that there was certain evidence by her behavior as to the fact that she stated to a Company employee furthermore that she only intended to go back for a limited amount of time and then intended to quit and in fact did quit; that her intention to quit was fulfilled by her later actions, and that even without these intervening causes, whatever they may be, Mrs. Davis intended to quit and not to continue her employment for any length of time at Caddell-Burns.

Finally, your Honor, I would just like to say that

CADDELL-BURNS MFG. CO., INC.
40 EAST SECOND STREET
MINEOLA, NEW YORK 11501
516-746-2310

6<-3

November 12, 1974

Mrs. Rose Davis Apt. F
380 Front St.
Hempstead, N.Y. 11550

Dear Mrs. Davis:

This is to confirm your husband's call of November 11th, at approximately 8 A.M., during which he stated that you would not be coming to work that day; and your telephone call to Mrs. Rose Mitchell this morning, in which you stated you would not be returning to work again.

In accordance with your request, your final paycheck will be mailed to you on November 14th, our regular payday.

We wish you luck in your future endeavors.

Yours truly,

CADDELL-BURNS MFG. CO., INC.

S. Vincent Burns, Treasurer
rm

Received November 13, 1974
Rose Davis

BEST COPY AVAILABLE

PAY PERIOD ENDING

No. 5/11/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

Daily Total

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 5/11/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

Daily Total

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 5/11/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

Daily Total

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 6/8/14

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

PAY PERIOD ENDING

No.

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

Daily Totals

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 6/15/29

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

Daily Totals 8 8 8 8

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 6/15/29

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

Daily Totals 8 8 8 7 3/4 8

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 7/17/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

			(39)				
Daily Totals	8	7½			8	7¾	7¾

PAYMENT RECEIVED IN FULL

SIGNED

10—700C03 SIMPLEX TIME RECORDER CO., GARDNER, MASS., Printed in U.S.A.

PAY PERIOD ENDING

No. 7/10/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

11			(40)				
Daily Totals	8	8			8	8	8

PAYMENT RECEIVED IN FULL

SIGNED

10—700C03 SIMPLEX TIME RECORDER CO., GARDNER, MASS., Printed in U.S.A.

PAY PERIOD ENDING

No. 7/3/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

			37 9/4				
Daily Totals	7¾	6½			8	7½	8

PAYMENT RECEIVED IN FULL

SIGNED

10—700J03 SIMPLEX TIME RECORDER CO., GARDNER, MASS., Printed in U.S.A.

PAY PERIOD ENDING

No. 8/4/74

NAME

REG. HRS. ..... RATE ..... TOTAL .....

EXTRA HRS. ..... RATE ..... TOTAL .....

F. I. C. A. ..... ST. UN. COMP. ..... TOTAL .....

FED. W.T. ..... ST. DIS. BEN. .....

INSURANCE ..... DUES .....

CITY/ST. W.T. ..... BONDS .....

NET WAGES

							3751

PAY PERIOD ENDING

No. 8/7/74

NAME

REG. HRS: RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

PAY PERIOD ENDING

No. 7/12/14

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

			(37 3/4)				
Daily Totals	7 3/4	8			8	8	8

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 9/4/14

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

				H			
			(16)				
Daily Totals	8				8		

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 11/28/14

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

			(32)				
Daily Totals	8				8	8	8

PAYMENT RECEIVED IN FULL

SIGNED

10—700093 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 9/25/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

$7.50	$7.51						5
$4.00	$4.00						$8.00
$4.25	$4.25						$8.50
$4.25	$4.25		39¾				$8.50
$4.25	$4.25						$8.50
Daily Totals	8	8			7¾	8	8

PAYMENT RECEIVED IN FULL

SIGNED

10-700003 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 10/9/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

$7.50	$8.00					5	$7.5
$8.00	$8.00					$8.00	$8.00
$8.50	$8.50					$8.50	$8.50
$8.50	$8.50		37			$8.50	$8.50
$8.50	$8.50					$8.50	$8.50
Daily Totals	8	7¾			5¼	8	8

PAYMENT RECEIVED IN FULL

SIGNED

10-700003 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 10/2/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

$7.5	$7.5						
$8.00	$8.00						
$8.50	$8.50						
$8.50	$8.50		32				
$8.50	$8.50						
Daily Totals	8	8				8	8

PAYMENT RECEIVED IN FULL

SIGNED

10-700003 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 10/30/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

PAY PERIOD ENDING

No. 10/16/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

PAY PERIOD ENDING

No. 10/2 3/74

NAME

REG. HRS. RATE TOTAL

EXTRA HRS. RATE TOTAL

F. I. C. A. ST. UN. COMP. TOTAL

FED. W.T. ST. DIS. BEN.

INSURANCE DUES

CITY/ST. W.T. BONDS

NET WAGES

PAYMENT RECEIVED IN FULL

SIGNED

10-700083 SIMPLEX TIME RECORDER CO., GARDNER, MASS., Printed in U.S.A.

PAYMENT RECEIVED IN FULL

SIGNED

10-700083 SIMPLEX TIME RECORDER CO., GARDNER, MASS., Printed in U.S.A.

PAYMENT RECEIVED IN FULL

SIGNED

10-700083 SIMPLEX TIME RECORDER CO., GARDNER, MASS., Printed in U.S.A.

PAY PERIOD ENDING

No. 11/6/74

NAME

REG. HRS. ____ RATE ____ TOTAL ____

EXTRA HRS. ____ RATE ____ TOTAL ____

F. I. C. A. ____ ST. UN. COMP. ____ TOTAL ____

FED. W.T. ____ ST. DIS. BEN. ____

INSURANCE ____ DUES ____

CITY/ST. W.T. ____ BONDS ____

NET WAGES

$7 50					7 52	7 58
12 00	12 00			12 00	12 00	12 01
1 20	1 20			1 20		1 30
8	8	40		8	8	8
4 26	4 26			4	4	4 25
Daily Totals						

PAYMENT RECEIVED IN FULL

SIGNED

10-700003 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

PAY PERIOD ENDING

No. 11/13/74

NAME

REG. HRS. ____ RATE ____ TOTAL ____

EXTRA HRS. ____ RATE ____ TOTAL ____

F. I. C. A. ____ ST. UN. COMP. ____ TOTAL ____

FED. W.T. ____ ST. DIS. BEN. ____

INSURANCE ____ DUES ____

CITY/ST. W.T. ____ BONDS ____

NET WAGES

7 50						
12 00						
1 20						
8						
4						
Daily Totals						

PAYMENT RECEIVED IN FULL

SIGNED

10-700003 SIMPLEX TIME RECORDER CO., GARDNER, MASS., PRINTED IN U.S.A.

Rel'r Ex 5 for 1 year ending 15 Aug 75 — 210 — Ltr T dtd 15 Aug 75

				Tues.	Wed.
May 1	50	50	8:12	8:03	55
9	53	8:07	54	54	52
15	51	8:13	51	51	50
22	51	51	8:19	51	55
29	56	53	—	54	47
Jun 5	X	52	52	46	53
12	48	53	X	46	51
19	55	56	49	8:05	52
26	54	X	53	48	54
Jul 3	8:03	8:22	51	8:13	53
10	H	54	54	54	55
17	50	8:14	55	8:06	8:06
24	10:57	56	54	8:03	51
31	56	55	56	56	52
Aug 7	8:03	X	X	X	51
14	10:18	55	54	54	56
21	54	55	8:22	57	X
28	50	54	49	8:03	49
Sep 4	54	X	H	X	X
11	X	54	55	55	53
12	8:01	56	54	8:00	7:55
25	54	51	8:02	55	59
Oct 2	53	55	X	52	59
9	53	8:02	11:42	56	58
16	X	8:05	52	58	X
23	X	59	H	8:30	54
30	52	46	49	48	54
Nov 6	50	57	55	52	58
13	X	54			

R.S